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*President*: Mr. Opertti . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . (Uruguay)

*The meeting was called to order at 10.25 a.m.*

**Agenda item 157**

**Bethlehem 2000**

**Draft resolution (A/53/L.37)**

**The President** (*interpretation from Spanish*): I give the floor to the representative of Senegal, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to introduce draft resolution A/53/L.37.

**Mr. Ka** (Senegal) (*interpretation from French*): Our Lord Jesus Christ said, in a sublime message:

> "So peace is on me the day I was born, the day that I die, and the day that I shall be raised up to life (again)!" (*The Holy Koran, XIX:33*)

What could be more natural than that, as the third millennium dawns, an entire year be devoted to commemorating the birth of this Lord of Peace.

As the twentieth century draws to an end, the peoples of the entire world await with growing impatience the arrival of the new millennium in the hope of a better world, a world of peace, reconciliation and understanding among all peoples in all parts of the world. The celebration of the next millennium will be particularly important, for it will also mark the two thousandth anniversary of the birth of Jesus Christ in Bethlehem, which brought to the small town of Bethlehem, in Palestine, a cultural and religious significance that is unique throughout history. This event is thus of monumental importance, not only to the Palestinian people and to the Middle East, but to all the world's believers and to all the international community.

The commemoration of the two thousandth anniversary of the birth of Jesus Christ in Bethlehem is particularly symbolic, for it comes at a time when the peoples of the region have new hope and new reasons for believing that the question of Palestine will reach a peaceful outcome which will promote peace, stability and prosperity in the region. It is our hope today that this commemoration will herald the dawn of a new era of dialogue, reconciliation and economic recovery for Palestinians, Israelis and all the peoples of the Middle East.

The name Bethlehem evokes scenes of rare beauty, enhanced by breathtakingly beautiful landscapes and by the perfect and symbiotic meshing of Eastern and Western cultures. Unfortunately, decades of conflict have altered the precious treasures of Bethlehem and have had a negative impact on the socio-economic infrastructure of the town and the surrounding areas. Many magnificent buildings now need restoration. The infrastructures in the town have to be rebuilt, particularly given that massive numbers of pilgrims are expected to arrive from all corners of the globe.

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

Responding to the appeal made by President Yasser Arafat, President of the Palestinian Authority, at the conference in support of the inalienable rights of the Palestinian People held in Brussels in February 1998, our Committee indicated that it would fully support the Bethlehem 2000 project of the Palestinian Authority.

The project includes commemorative cultural events that will be international in character, the restoration and modernization of the city's infrastructure, the improvement of basic social, health and security services, preservation of the rich Palestinian history and the provision of all the necessary tourist services.

The conference of participants in the Bethlehem 2000 project, which was also held in Brussels, in May 1998 — and which I had the privilege of attending together with President Arafat, the President of the European Community and the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) — showed the broad international support for the project on the part of donor Governments, organizations within the United Nations system, the European Commission, UNESCO, the United Nations Development Programme (UNDP), the World Bank, other intergovernmental organizations, the private sector, the media and non-governmental organizations. The level of contributions to date is very encouraging. At the same time, more must be done to ensure the success of this commendable Palestinian initiative at a time when the Palestinian people still face serious difficulties.

The Committee is firmly convinced that the reconstruction of the historic sites in this Holy Land will be a well-deserved tribute to the historic and religious importance of Bethlehem on the occasion of the commemoration of the millennium, particularly for future generations, for whom Bethlehem will always be the symbol of lasting spiritual and cultural harmony. The Committee also believes that solid improvements on the ground in the area around Bethlehem are necessary, especially with regard to guaranteeing freedom of movement and free and unhindered access to the holy places in Bethlehem for the faithful of all religions and nationalities.

The Committee is doing all it can to inform and mobilize public opinion in all regions in support of this project through meetings and other activities to provide information. In this context the Committee, with the support of the Italian Government, will be organizing early next year in Rome an international conference on Bethlehem 2000 designed to promote this initiative and to ensure the broadest possible international participation in it. The conference will be an opportunity for all parties concerned to increase dialogue and cooperation for the promotion of peace and reconciliation, to assess the progress made in the project and to determine needs, with a view to mobilizing additional international support.

This event can be successful only if there is commitment and participation by the international community as a whole. The Committee on the Exercise of the Inalienable Rights of the Palestinian People believes that the commemoration of the millennium in Bethlehem is a unique opportunity for all peoples, whatever their beliefs, race or nationality, to come together to reflect upon the lessons of the unique messages of peace, reconciliation and love which have come from this crossroads of history and of the world.

There can be no better time for us to reaffirm our belief in these eternal messages. There can be no better time for members of the human race to be reconciled with each other and to heal the wounds inflicted by past conflicts so that we can at last reaffirm our desire for a better life for all at the dawn of the twenty-first century.

The events to commemorate the millennium in Bethlehem will begin at Christmas 1999 and continue until Easter 2001.

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I now have the honour to introduce the draft resolution entitled "Bethlehem 2000". First of all, I should like to take this opportunity to announce that Algeria, Guyana and Niger have also sponsored the draft resolution.

In the draft resolution, the General Assembly welcomes the global and historic event to mark both the commemoration of the birth of Jesus Christ and the beginning of the third millennium. It associates itself fully with the Palestinian initiative for the Bethlehem 2000 project and encourages the international community, in particular the bodies of the United Nations, to offer assistance to bring about the objectives set forth therein. In order for this commemoration to be duly channelled and supported in a spirit of peace and reconciliation in the Middle East, a request has again been made that the item entitled "Bethlehem 2000" be included in the provisional agenda of the fifty-fourth session of the General Assembly.

(*spoke in English*)

I would like, on behalf of the sponsors of the draft resolution, to introduce the following revision in the first preambular paragraph. The words "Bethlehem, in the Palestinian land" should be replaced with the words "the Palestinian city of Bethlehem". The entire paragraph would then read:

> "*Recalling* the fact that the Palestinian city of Bethlehem is the birthplace of Jesus Christ and one of the most historic and significant sites on earth".

(*spoke in French*)

I should like to extend the Committee's deep appreciation to Governments, bodies of the United Nations and intergovernmental and non-governmental organizations which from the very beginning have embraced the idea of the Bethlehem 2000 project by making their contribution and supporting the spirit of this initiative.

The draft resolution reflects our hopes and our common aspirations for a better world at the dawn of the new millennium. The Committee believes that consensus adoption of the draft resolution will contribute to supporting and promoting the peace process which we all hold dear. I would therefore encourage all Member States to support the draft resolution by adopting it by consensus.

**The President** *(interpretation from Spanish):* Before proceeding further, I should like to inform members that, in a letter dated 14 October 1998 addressed to me, the Permanent Representative of Andorra to the United Nations, in his capacity as Chairman of the Group of Western European and Other States for the month of October requests that the General Assembly hear in plenary meeting a statement by the Observer of the Holy See on agenda item 157, entitled "Bethlehem 2000".

Taking into account the importance attached to the issue under discussion, it is proposed that the General Assembly take a decision on that request. May I take it that there is no objection to the proposal to hear the Observer of the Holy See on this agenda item?

*It was so decided.*

**Mr. Al-Kidwa** (Palestine) *(interpretation from Arabic):* On behalf of my delegation, I am taking the floor to address a new and important item on the agenda of the fifty-third session of the Assembly, namely item 157, entitled "Bethlehem 2000".

In accordance with the Gregorian calendar, the year 1999/2000 will bring the twentieth century and the second millennium to a close and the year 2000/2001 will mark the start of the third millennium for human civilization. The city of Bethlehem, Palestine, is of historic and symbolic prominence in this epic turning point in time.

Bethlehem is one of the most historic and religiously significant sites on earth. In the year 2000, the past and the future will converge in Bethlehem in a global vision of hope and peace for all peoples of the world. The world will celebrate the two thousandth anniversary of the birth of Jesus Christ in the city of Bethlehem and the onset of the new millennium. This occasion is of monumental importance not only for the Palestinian people and the Middle East region, but also for all the faithful and for the international community as a whole. Furthermore, this event in time has a multi-faceted character. It comprises a religious, historical and civilizational dimension. The carrying out of a dignified, resplendent and celebratory commemoration, fitting for such an historic occasion, is clearly of primordial importance.

The process of planning, organizing and preparing for the celebration and commemoration of this major event in the city of Bethlehem is an immense endeavour that the Palestinian people and the Palestinian National Authority have happily undertaken. It started with the launching of the Bethlehem 2000 project in 1997, which included a timetable for the commemorative events to coincide with Christmas 1999, continue throughout the year 2000 and conclude at Easter 2001. It is estimated that approximately two million visitors will come to Bethlehem to celebrate this historic occasion that will be upon us with the dawning of the new millennium. However, the Palestinian people alone cannot deliver all that is required by this enormous task.

Unfortunately, the city of Bethlehem, like all other Palestinian cities, has suffered under the long and harsh years of occupation. Nonetheless it has remained steadfast in spite of the damage to and the deterioration of its infrastructure and a halt in its natural growth and progress as a city of the world. Therefore, the Palestinian people need the assistance of and engagement by the international community. Assistance is necessary to meet the diverse demands of this formidable undertaking in a manner that will ensure its fruition in an historic commemoration in which all the peoples of the world can rejoice.

Intense and concerted efforts, careful and detailed planning and preparations and sufficient funding are basic and essential prerequisites for the success of the Bethlehem 2000 celebration. In this regard, six programme components have been laid out by the Bethlehem 2000 project, including events, infrastructures, services, cultural heritage, tourism development and private sector development. The estimated total programme cost for the Bethlehem 2000 project, excluding private-sector activities and development, is $336 million.

In this regard, various donor countries, United Nations agencies, intergovernmental organizations, religious and international institutions and others have already become engaged and have begun contributing to the Bethlehem 2000 project. A major step was taken towards increasing the involvement of the international community in the project with the convening of the Bethlehem 2000 Participants Conference in Brussels on 11 and 12 May 1998, in association with the European Commission, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Bank. This Conference afforded an opportunity for decision-makers from Governments and non-governmental organizations, the private sector, the international financial community, religious and cultural institutions and the media to participate in achieving the success of the Bethlehem 2000 project through financial contributions, investment, expertise and promotion of international awareness.

We express our deep gratitude to all those who have made generous contributions to this endeavour and who have cooperated and continue to cooperate with the Palestinian National Authority in the effort to ensure the great success of Bethlehem 2000. Nevertheless, we believe that continued and increased participation by the international community would be highly beneficial in the following fields: general organization and preparation for the occasion, financial and technical contributions to the preparations, and actual participation in the events and activities.

With regard to the United Nations itself, it is our hope that the international Organization will play a visible role in drawing the attention of the peoples of the world to the importance of this global occasion and in helping to make the event a point from which hope, peace, coexistence and prosperity for all humankind may flow. Accordingly, draft resolution A/53/L.37, entitled "Bethlehem 2000", is before the Assembly. The text was drafted with a view to gaining the support of all Member States. We hope therefore that the draft resolution will be adopted by consensus.

In closing, let me express our appreciation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and particularly to its Chairman, the Permanent Representative of Senegal, and the other members of the Bureau, for taking the initiative on this important matter.

**Mr. Sucharipa** (Austria): I have the honour to speak on behalf of the European Union. In addition, the Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated country Cyprus, as well as the European Free Trade Association country member of the European Economic Area Liechtenstein, align themselves with this statement.

As the two-thousandth anniversary of the nativity in Bethlehem approaches, an estimated two million pilgrims and tourists are expected to visit the religious and archaeological sites in the area. This inflow will provide a unique opportunity to generate momentum in the development of the tourism sector and to help induce much-needed economic growth and development in the area. At the same time, it constitutes an important challenge, which has to be met with great professionalism and specific means in the area of infrastructure and services.

The European Union, therefore, warmly welcomes the pilot project Bethlehem 2000 which has been initiated by the Palestinian Authority, the municipality of Bethlehem and the United Nations Educational, Scientific and Cultural Organization (UNESCO) with a view to preparing the city of Bethlehem for the start of the new millennium. Through concerted international and regional efforts, the project foresees the restoration of historical, archaeological and religious sites of importance. At the same time, the tourist sector will undergo important improvements in order to establish Bethlehem as a major tourist destination far beyond the 15-month millennium celebration. The European Union welcomes and encourages these development prospects.

In this context, the European Union is pleased to note that the United Nations Development Programme

(UNDP) has expanded its 10-year-old programme of infrastructure improvements in the Bethlehem area to support the pilot project. Since early 1997, UNDP has been providing assistance through the execution of a wider range of infrastructure and other physical improvements, coupled with capacity-development initiatives within the tourism service sector. We note with appreciation that this work has been carried out in close coordination, *inter alia*, with the Bethlehem municipality in order to ensure that UNDP's work is integrated within the overall framework of the Palestinian Authority and is acceptable to local residents.

We also note with appreciation that, among other donors, the World Bank is making an important contribution to the project with a view to strengthening the economic and cultural base and managerial capacities of the Bethlehem area municipalities and to fostering their sustainable development through tourism promotion and product development. It is envisaged that the preservation of cultural assets in the Bethlehem area will be fostered by initiating institutional reform and capacity-building.

On 11 and 12 May 1998 a conference on Bethlehem 2000 was convened in Brussels in association with the European Commission, UNDP, UNESCO and the World Bank. The main purpose of the conference, for which the European Commission provided logistical support, was to stimulate commitments from official and private donors as well as from potential investors in the private sector. The conference concluded with donors making a series of important pledges to the project. Early next year an international forum on Bethlehem 2000 will be hosted in Rome under the auspices of the United Nations and with the support, *inter alia*, of the Italian Government. The two-day forum, which is scheduled to take place on 18 and 19 February 1999 at the headquarters of the Food and Agriculture Organization of the United Nations (FAO), will promote a global vision of peace and reconciliation on the eve of the new millennium. It will further dialogue among the peoples of the Middle East and will mobilize further international support for the Bethlehem 2000 project by the donor community and civil society. The European Union is looking forward to participating in that event.

It is the view of the European Union that in focusing on a clear set of priorities for Bethlehem 2000, development of the tourist sector should be promoted as one of the keys to economic growth in the area. The European Union therefore strongly encourages, in the context of Bethlehem 2000, continued coordination and cooperation in the area and with the international donor community.

The European Union is providing financial support to Bethlehem 2000 as well as to specific projects such as the expansion of the capacity and facilities of Beit Jala hospital and the renovation of the Old City's market. The European Commission is providing about ECU 2 million for the upgrading of the infrastructure network.

The relevance of the dawn of a new millennium for the Palestinian people, the other peoples of the region and the international community as a whole is demonstrated by the celebrations that the new millennium will receive in many parts of the world, including the United Nations, culminating in the jubilee ceremonies in Rome on 5 November 2000. The major religious, historic and cultural dimensions of the event will require unimpeded access to the holy places in Bethlehem for the faithful of all religions and for persons of all nationalities.

Let me take this opportunity to express our appreciation to the Permanent Representative of Senegal, Ambassador Ka, for his efforts to promote the Bethlehem 2000 project.

In conclusion, the European Union would like to reaffirm once again today its firm commitment to a just and comprehensive settlement in the Middle East based on the Madrid and Oslo accords. Recognizing the importance of a sound economy to social and political stability among the Palestinian people, the European Union will continue its considerable economic and technical assistance with a view to contributing to a prosperous future in the next millennium.

**Mr. Saliba** (Malta) It gives me great pleasure to speak today on this important item, both as the Permanent Representative of Malta and as the Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

The approach of the new millennium is essentially a celebration of the birth of Jesus Christ in the city of Bethlehem. The message then was "Peace on Earth". This important and timeless message should be the central theme of the proposed Millennium Assembly.

The draft resolution before us speaks of the support of the international community for this initiative. Many of us are aware of the substantial financial contributions made or pledged towards making this event a success. My Government will, as in the past, consider what assistance it can give so that it too can contribute to this celebration. However, we reiterate our firm conviction that there can be no celebration without reconciliation and peace. This upcoming important commemoration of the birth of the messenger of peace will have no value if the peace process does not achieve the desired results. The celebration of the birth of Jesus Christ should be the catalyst to further consolidate the peace process. Would it not be sad if the land of the nativity is still at war 2000 years after that momentous event?

We hope that our collective efforts will make a significant contribution towards fostering just and lasting peace in the region. In view of the importance and the significance of this draft resolution, my delegation looks forward to its adoption by consensus.

**Mr. Shamsudin** (Malaysia): My delegation fully supports the inclusion of item 157, entitled "Bethlehem 2000", in the agenda of the current session of the General Assembly. This discussion today is both relevant and timely. My delegation wishes to take this opportunity to commend the Bureau of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, under the chairmanship of Ambassador Ka of Senegal, for having made the effort to bring this important issue to the attention of the Assembly.

In the view of my delegation, Bethlehem 2000 is a noble project of peace. The planned commemoration of the two thousandth anniversary of the birth of the prophet Jesus, coinciding with the onset of the third millennium, deserves wide support. Bethlehem is one of the most historic and religiously significant sites on Earth, revered by the followers of great religions. As the birthplace of the great prophet, there can be no substitute for Bethlehem as the centre for this monumental event. There can be no better place than this Palestinian city, which has shone as a symbol of hope and peace for all peoples around the world to usher in the new millennium with greater hopes for peace, tolerance and justice for future generations of mankind.

My delegation fully supports the initiative by the Palestinian National Authority to honour the legacy of the prophet Jesus by celebrating his birth in Bethlehem. We firmly believe that the Bethlehem 2000 project should be a great event, a reminder to the international community of the message of peace and justice among mankind brought to us by the prophet Jesus and the other great prophets before and after him, including the prophet Mohammed. The commemorative event, which will stretch over a period of 16 months beginning at Christmas 1999, will focus on enduring religious precepts as well as broad, universal human values. We commend President Yasser Arafat for his leadership in the planning and preparation for the event.

The roots of every culture and civilization are indeed intertwined. This has been manifested in the arts, in the sciences and in philosophy; and if there exists today any misunderstanding and mistrust between cultures and beliefs, the Bethlehem 2000 project will provide the opportunity for everyone concerned to come together in a cross-cultural international effort to place things in the correct perspective. It is also an occasion to rebuild and reinforce bridges of trust, mutual understanding and mutually beneficial friendship and cooperation between peoples of various religions, cultures and nationalities, not just among those who are directly involved in the project, but also among the 2 million who are expected to visit Bethlehem to celebrate this historic occasion. We believe that this project will be one of those notable endeavours that will enable the international community to come together to face common challenges in the next millennium.

The Bethlehem 2000 project will underscore the need to restore justice and dignity to the people of Palestine, whose ongoing struggle for peace has endured over time despite the odds against them. Therefore, it is hoped that the project will help further spur the international community to push forward with renewed vigour the realization of the shared hopes for peace in the region. It is the duty of the international community to continue to put the question of Palestine in its correct perspective. The process by which the rights of the Palestinian people are to be realized, in particular the rights to self- determination, national sovereignty and independence, must be fully respected.

My delegation is happy to note that the necessary groundwork for the event has begun and that support has already been extended by various Governments and international agencies in this regard. We hope that all relevant actors will join in the efforts to ensure the success of the project. Malaysia, for its part, will lend the necessary support and assistance.

My delegation has co-sponsored the draft resolution submitted under this agenda item, as contained in document A/53/L.37. We hope it will have the unanimous support of the Assembly. The support of the international community for this initiative will be a great message of peace, not only to the people of Palestine and others in the region but also to the world at large.

**Mr. Farhâdi** (Afghanistan) (*interpretation from French*): The celebration of the birth of Jesus Christ will be important not only for Christians, but also for all humanity as a whole, given the message of peace and love which will spread throughout the world.

The Islamic nations, including Afghanistan, have deep respect for this occasion, which commemorates an event blessed by God the Creator. That is the teaching of the Holy Koran, whose sura 19 is entitled "Maryam" — Mary, the mother of Jesus.

I am grateful to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Ambassador Ka of Senegal, for quoting from that sura, in which Jesus says:

> "So peace is on me the day I was born, the day that I die, and the day that I shall be raised up to life (again)!" (*The Holy Koran, XIX:33*)

In another sura, the Muslims express their faith in this way:

> "The same religion has He established for you as that which He enjoined on Noah — that which We have sent by inspiration to Thee — and that which We enjoined on Abraham, Moses and Jesus: namely, that ye should remain steadfast in Religion, and make no divisions therein" (ibid., *XLII:13*).

As Muslims, we believe that Jesus represents an infinitely important milestone in this continuum of divine revelations. He is the messenger of the One God, as were Noah, Abraham and Moses. The miraculous birth of Jesus and his teachings are signs of divine grace. That is what the Holy Koran, revealed by God to the last of his messengers, teaches us in several passages.

The more than 1 billion Muslims worldwide belong to the faith of Abraham, the spiritual father of all believers. Muslims believe that the teachings of Jesus, like the teachings of the Prophet of Islam, are based on the same revelation as was given to Abraham and Moses.

Accordingly, we invite all nations of the world — out of spiritual solidarity with the many followers of the line of Abraham, who constitute a large part of the human race — to view Bethlehem 2000 as a commemorative occasion that is a source of great hope. It is thus quite clear that citizens of all nationalities must have free access to all of the holy places in Bethlehem.

We pay tribute to the Palestinian authorities for undertaking the colossal task of preparing for the events of Bethlehem 2000.

The draft resolution, as orally amended in the first preambular paragraph by the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, should be adopted by consensus.

**Mr. Rodríguez Parilla** (Cuba) (*interpretation from Spanish*): As humankind prepares to embark upon a new millennium, any initiative that can in one way or another contribute to promoting the process of peace and reconciliation in the Middle East must receive unswerving support. Therefore, in the view of the Cuban delegation, the inclusion of a new item entitled "Bethlehem 2000" on the agenda of the fifty-third session of the General Assembly could not be more timely.

The question of Palestine is at a very complex juncture. Most of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, are still under occupation. The territories under the jurisdiction of the Palestinian Authority remain fragmented, and some 3.5 million Palestinians still live in refugee camps, in precarious conditions.

The Bethlehem 2000 project, by promoting dialogue among all parties, could become a major catalyst on the road towards reconstruction, development and peace in the region. The city of Bethlehem is undoubtedly one of the most historically, culturally and religiously significant sites on earth. It is for that reason that we stressed, in the explanatory memorandum appended to the letter sent to the Secretary-General by the Bureau of the Committee on the Exercise of the Inalienable Rights of the Palestinian People recommending the inclusion of this new item 157 on the agenda, the importance of marking the advent of the year 2000 in Bethlehem as a major event, not only for the people of Palestine and the region but also for all believers worldwide and the international community as a whole. Project Bethlehem 2000 embodies possibilities that must be utilized fully, and the United Nations has a decisive role to play in this regard.

If we want the Bethlehem commemoration truly to lead to a process of reflection and action in the quest for a global ideal of hope and peace for all the peoples of the world, it is essential for the United Nations to give full and unrestricted support to this event. Several organs and programmes of the United Nations as well as intergovernmental organizations have already become involved in preparations for the project through financial and technical contributions. These early efforts are commendable but cannot alone meet the challenge of Bethlehem 2000, particularly since some 2 million people are expected to visit the city in order to celebrate these historic events. The Bethlehem 2000 Participants Conference, held in Brussels on 11 and 12 May last, represents a first important step towards mobilizing international support for the project in its various aspects.

As yet another step towards this goal, Cuba firmly supports the holding of an international conference on Bethlehem 2000 next February in Rome. In order to ensure the conference's success, the United Nations, and especially the Committee on Palestine, must strive to achieve the largest possible international participation in it.

Regional efforts also must be enhanced towards the preparation and implementation of project Bethlehem 2000, as proposed by the Palestinian National Authority. A commendable example was the call by the Council of Ministers of the Organization of African Unity, at its June meeting, on its member States to support the project.

In Cuba's view, the draft resolution contained in document A/53/L.37, which we are considering today, represents the minimum basis for a consensus by Member States on project Bethlehem 2000. The absence of any controversial formulations in the text clearly shows that the co-sponsors are interested in trying to preserve consensus and to enable the General Assembly to send a message of unity with regard to this important initiative.

In concluding, let me urge all delegations resolutely to support and join the consensus on the draft resolution on Bethlehem 2000.

**Mr. Zackheos** (Cyprus): My Government has aligned itself with the statement made by the representative of Austria on behalf of the European Union. As a member of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Cyprus welcomed the initiative to include the item entitled "Bethlehem 2000" in the agenda of the General Assembly and expresses its appreciation in particular to Ambassador Ka for his efforts to promote the project.

My Government sees in this initiative a message of hope and optimism, today more necessary than ever, in a world plagued by conflict and intolerance. We therefore fully endorse the decision of the Palestinian National Authority to celebrate the anniversary of the birth of Jesus Christ, and we call for the strong practical support of the international community to make this project a big success.

This initiative comes at a crucial juncture in the evolution of the Middle East conflict, and we therefore hope that it will strengthen even further the forces of reconciliation and cooperation in that very sensitive region and will have a positive effect on the peace process on which the international community has placed so many hopes. The peace process is of the highest importance not only for the Palestinians and the Israelis but also for the future of peace throughout the region.

Throughout history, the eastern Mediterranean has been a cradle of civilizations and of coexistence between religions; it has been an important trade route and a strategic location of extreme significance. Cyprus, as an integral part of this area, believes that no effort should be spared in seeking a comprehensive, just and lasting peace on the basis of the relevant United Nations resolutions. We must grasp the opportunity presented by the breakthrough achieved in September 1993 with the signing of the Declaration of Principles and all subsequent agreements between the parties, since for the first time after years of conflict the people in the region have real prospects of finally seeing light at the end of the tunnel and can begin to dream of a peaceful and more prosperous future for themselves and for their families. In this respect, the Cyprus Government has welcomed the recent agreements reached at the Wye Plantation and expresses its hope that the deal will be fully implemented.

We hope that the Bethlehem 2000 anniversary celebration will also bring economic benefits to the Palestinian people, who need to see the practical results of the peace dividend since their economic prosperity is a necessary underpinning for lasting peace.

We sincerely hope that the United Nations as a whole will show concrete support for this historical occasion, thus affirming the engagement of the international community in a project of worldwide significance. The multidimensional character of the initiative, which combines religious, cultural and artistic celebrations and which is intended to bring together the believers of the world on the eve of the new millennium, makes this event a moment for peaceful coexistence, reflection, prosperity and hope for all mankind.

Indeed, in the year 2000 the past and the future will meet in Bethlehem in a commemoration that we hope will usher in a new era during which we can all live together with respect for one another's culture and religion in a climate of international legality.

We in Cyprus are drawing inspiration from this event since we are also living with the vision of a free, united and demilitarized Cyprus without foreign troops, a Cyprus that is a member of the European family and where there is mutual respect between the two communities, in a democratic, multicultural and tolerant country.

**Mr. Dlamini** (Swaziland): My delegation fully welcomes the debate over this agenda item, entitled "Bethlehem 2000". The inclusion of such an item in the agenda is of paramount relevance to our times and, indeed, to all mankind. Allow me, therefore, to congratulate the members of the Bureau regarding this project on their insightfulness and the broad spiritual view displayed in their efforts to make Bethlehem 2000 a reality.

I would at the same time be remiss in my responsibilities if I did not offer special congratulations to the President of the Assembly on having assumed the presidency on behalf of his country at a time when this body, the United Nations, for the first time in history will debate an item of this nature.

*Mr. Ortega Urbina (Nicaragua), Vice-President, took the Chair.*

Bethlehem 2000 will remind us of the historical background and genesis of the events that took place in that part of the world. A child was born, as we all know, and he was given the name Jesus. The birth of this child shook the world, shook mankind. It shook kings of the earth, because they were worried that the child Jesus had come to overthrow their kingdoms. Even philosophers and scholars could not understand the birth of this child. Only the people who were inspired by God could understand what the birth of Jesus would lead to.

Agenda item 157 is intended yet again to bring the entire world to one place. This is not only to achieve the tourism aspects associated with the project; those like myself who are Christians will be pondering profoundly and thinking about the love of God that God has inspired in mankind.

In some circles and regions this child was subsequently called the Prophet, but on behalf of my delegation and my Government let me say that we call this child the Saviour of mankind. No other child in history made the heavens shake when he died. No other child in history died and was buried but did not leave his bones in his grave.

The Bethlehem 2000 project, therefore, is associated with this mystery. We can go to the graves of all the prophets we have ever known; their bones are found there. But you can go to the grave of Jesus, whose birthday will be celebrated during this project, and his bones are not there. This is still a mystery. Today not a single scholar — either African or Western — can decipher or interpret this mystery. Only those who are respectful of God and imbued with the spirit from above can fully understand the connotations of Bethlehem 2000.

We are fortunate in today's world to be able to read about the end of time. It is clearly stated that the world will come together to honour and acknowledge Jesus — the very Jesus to whom I am referring today.

Who are the scholars who would call him a prophet? I call him, as my Bible dictates, not only the child who shook the world, but also the Saviour and Redeemer of mankind. This is the challenge to us all: what do we think of this Jesus? Do we still call him a prophet? Or do we call him the child that grew and at the age of 30 years died, and was resurrected on the third day?

Of all the prophets we can think of, how many died and were resurrected? The answer is, only Jesus. Only Jesus. I now challenge the world to ponder deeply, and I call upon the world to support all efforts leading towards this magnanimous project that will unite the world.

I still remember vividly when the wise men came from the east and proceeded to Bethlehem. They were carrying gifts, which they presented to the child Jesus. It would be in order for the world also to bear gifts as we proceed to the Bethlehem celebration in the year 2000.

I said earlier that the kings of this world were worried — King Herod being of those kings — so much so that along the way he interfered and tried to find out the secret. But the secret eluded him, because God had a special plan that the world should know about Jesus and that Jesus could not die as an infant.

We are lucky, therefore, that in the course of history, you, Mr. President, have presided over the debate on this historic project relating also to your life; you will under no circumstances be able to say that you have never had the time to hear about all the events associated with Jesus. This is Jesus Christ, who died and was resurrected, whom the world should regard as an answer — whom the United Nations itself should regard as the answer to all the problems that are besetting humankind.

**Mr. Kolby** (Norway): Bethlehem is one of the most historic and religiously significant sites on earth. The celebration of the 2,000th anniversary of the birth of Jesus Christ and the onset of the new millennium is of monumental importance — not only for the Palestinian people and for the region, but also for the believers of the world and for the international community as a whole.

Norway has warmly welcomed the Bethlehem 2000 project, which was initiated by the Palestinian Authority, the municipality of Bethlehem and the United Nations Educational, Scientific and Cultural Organization. The project is an ambitious programme of cultural and religious celebration, urban and economic rejuvenation and tourist development and promotion.

Norway also welcomes the call for strong and increased international assistance to and engagement in the project.

Norway views Bethlehem 2000 as an opportunity to broaden the donor nations' commitment to reconciliation and peace in the Middle East. It is also an opportunity to focus on the reconstruction and development efforts for the Palestinians. We appreciate that the World Bank and the United Nations Development Programme also are making important contributions to the Bethlehem 2000 project, with regard to rehabilitation in the Old City, as well as in neighbouring municipalities.

At the Bethlehem 2000 Participants Conference in Brussels in May, Norway pledged $3 million in 1998 to the Bethlehem 2000 project. In addition, we take a positive stance towards considering additional funding. The Norwegian support will be channelled to the energy sector, rehabilitation of the Old City and to road rehabilitation.

**Mr. Al-Sindi** (Yemen) (*interpretation from Arabic*): First of all, I wish to congratulate the President most warmly on his efforts in connection with organizing the work of this session. I would also express my appreciation for the wise manner in which he has presided with a view to ensuring success here.

The importance attached to agenda item 157, "Bethlehem 2000", before the General Assembly today, reflects the great interest of the international community in this project, considering that the Palestinian city of Bethlehem is the birthplace of Jesus Christ. My delegation would associate itself with all those who have sponsored this draft resolution. We believe in the importance of supporting the organization of these celebrations, which will begin at Christmas 1999 and conclude at Easter 2001. We would invite the Secretary-General to undertake efforts to ensure the success of the event.

We believe that the whole world's commemoration of this event is a decisive turning point. It is transition from one era — an era of injustice, hegemony and occupation — to a new era of freedom, hope and peace.

The success of this project will help to ensure freedom of access for believers of every religion so that they may all participate in the festivities in Bethlehem, Palestine, considered to be one of the most important and historic religious sites. The commemoration of the event will generate real change on the ground, especially with respect to freedom of movement as a symbol of hope for peace for all peoples of the world.

My delegation looks forward to the adoption by consensus of the draft resolution on the Bethlehem 2000 project.

**Mr. Abdel Aziz** (Egypt) (*interpretation from Arabic*): In less than two years, Christians throughout the world and all peace-loving peoples will commemorate the birth of Jesus Christ 2,000 years ago in the historic Palestinian city of Bethlehem.

The commemoration of that event is of historic, religious and cultural significance, not only to the Palestinian people and the region, but also to the entire world. The commemoration in the city of Bethlehem will draw together peoples, religious authorities, individuals and institutions from every corner of the world under one banner: the banner of solidarity, tolerance, co-existence and hope. This will certainly reflect the message of peace brought by Jesus Christ to the entire world — a peace which we are trying to establish in the Middle East.

My delegation is aware of the intense efforts being made by the Palestinian authorities to prepare for this major commemoration. Undoubtedly, the support of the United Nations, its specialized agencies and Member States will have an enormous effect on the success of the festivities. These festivities require, *inter alia*, the restoration of the city's infrastructure, including water, electricity and sanitation services, and the improvement of other basic services. This would include social, medical, security, police and emergency services. Furthermore, these preparations would also include plans to provide tourist services to the 2 million people expected to come to Bethlehem to commemorate this historic event.

In this context, Egypt wishes to express its gratitude for the support that has already been offered by the international community to the Bethlehem 2000 project. We trust that this support will continue with the participation of the international private sector at the international level. We also hope that the Secretary-General will mobilize and coordinate the support of the relevant specialized agencies of the United Nations system. We call on the Israeli authorities to be flexible and to ensure the establishment of circumstances conducive to the channelling of the necessary support to the officials in charge of these festivities by guaranteeing freedom of movement and access to the holy places in Bethlehem. We also express the hope that the peace process will continue on the right track, thus ensuring a just, lasting and comprehensive peace in order to create the appropriate peaceful atmosphere in which the commemoration can take place.

The draft resolution before us today reflects the interest of the international community in this noble undertaking. It also conveys the keen interest of its sponsors in its adoption by consensus as a reflection of the desire of all parties to provide an appropriate climate for the celebration in Bethlehem of the year 2000. Moreover, we support the inclusion of the item entitled "Bethlehem 2000" in the agenda of the fifty-fourth session of the General Assembly, which will allow us to monitor measures taken in preparation for the commemoration.

In conclusion, I wish to say that Egypt is proud to have become a sponsor of this draft resolution, and to emphasize that the Government and religious and cultural institutions of Egypt will work to ensure the success of the Bethlehem 2000 project and will participate in a manner reflecting our interest in that great commemoration, confirming its religious and cultural significance to our region and the entire world.

**Mr. Guillén** (Peru) (*interpretation from Spanish*): It is an honour for the delegation of Peru to speak on and co-sponsor draft resolution A/53/L.37, introduced by the representative of Senegal.

We are participating in this debate because of the symbolic and spiritual nature of this item. We do not believe that the name Bethlehem suggests a central place in the world that excludes the sacred character of the faiths professed by many other peoples. This gesture requires profound and mutual respect between the faiths professed by all peoples, because this Organization was founded by its peoples, and the peoples of today's world cherish syncretism and mutual understanding.

This tribute is a tribute to the humble quality of that place, according to history or tradition. It is a tribute, too, to the fragility of those who sought refuge in their vulnerability to the power of the greatest empire of that era.

For all these reasons, Peru will always affirm the basic importance of freedom of access to sacred sites. We believe, however, that the best tribute to this commemoration will certainly be the urgent completion of agreements for peace and reconciliation in that region.

**The Acting President** (*interpretation from Spanish*): In accordance with the decision taken earlier, I now call on the Observer for the Holy See.

**Archbishop Martino** (Holy See): With its initial explanatory memorandum, the Bureau of the Committee on the Exercise of the Inalienable Rights of the Palestinian People asked for the inclusion of this item in the agenda of the fifty-third session of the General Assembly, noting:

> "Bethlehem, Palestine, is one of the most historic and religiously significant sites on earth. In the year 2000, the past and the future will meet in Bethlehem in a global vision of hope and peace for all peoples. On that occasion, the world will celebrate the two thousandth anniversary of the birth of Jesus Christ and the onset of the new millennium." (*A/53/141, annex*)

The Holy See welcomes this noble initiative and expresses its sincere gratitude to the authors.

Indeed, in the crossroads of history, Bethlehem marks the meeting point of past, present and future. This is because the one born there, Jesus, laid the foundation for a civilization of love and peace, a love which requires self-giving and a peace which is founded on each human person's relationship with God and with one another. It was this love and peace for which the Psalmist prayed:

> "Kindness and truth shall meet; justice and peace shall kiss. Truth shall spring out of the earth and justice shall look down from heaven." (*The Holy Bible, Psalm 85:10-11*)

It was the peace the prophet Isaiah foretold:

> "they shall beat their swords into plowshares and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more." (Ibid., *Isaiah 2:4*)

Bethlehem was the fulfilment of the expectations of history, but at the same time it was also the start of a new era in history.

In this light, Bethlehem is more than a distant city tucked away in the Judean wilderness. It becomes a universal message for the human family to live in peace and harmony. Bethlehem is not only a city of holy places but also of people trying to live their lives like any other. It is a city with markets and schools, shops and gardens, universities and shepherds' fields. It is a city where people build their lives, with hopes and dreams to be respected and nurtured, just as the hopes and dreams of every person, in every city, town, village, hamlet or crossroads in every corner of the world must be respected. In a sense, Bethlehem is every city, every town, every home.

Peoples and families have made their home in Bethlehem for centuries, and they look forward to the opportunity to remain in their homeland, to watch their children's children grow and prosper.

It is a familiar place dear to our hearts, and because of this specialness it attracts pilgrims from across the globe.

My delegation takes the floor today to recognize and celebrate the history and the future of this little town that is such an important symbol for so many people.

It all started in a humble and simple environment. Bethlehem itself was not until then a remarkable city in the mainstream of history. Those who were called to be the real human actors in the Christ-event were neither the mighty nor the rich. They were, in some way, the marginalized of society. His mother declared herself a "lowly handmaid" and his foster father was a carpenter. The manger in Bethlehem, which became the birthplace of Jesus Christ, was at once a symbol of man's rejection of God and God's acceptance of man. Not royalty, but shepherds were the first beneficiaries of the message of "peace to people of good will". The wise men from afar, willing to bow their heads to cross the stable's threshold to obtain a glimpse of the child "wrapped in swaddling clothes", were the ones blessed by his presence and filled with the peace of God. Bethlehem signalled a new way of uniting humanity to God, heaven to Earth and Earth to heaven; man's history began to be written in the language of love.

Jesus came to reveal a "God rich in mercy" (ibid., *Ephesians 2:4*) to a world where mercy was a forgotten virtue and compassion an unpractised act. The society in whose midst he stood was divided into ranks and levels. The poor and lowly had no guarantee to their rights, the oppressed had no voice and the imprisoned were deprived of their liberty. Fulfilling the prophetic message, he pronounced his first public statement:

> "The Spirit of the Lord has sent me to bring good news to the poor, to proclaim release to the captives, and recovery of sight to the blind, to set at liberty the oppressed" (Ibid., *Luke 4:18*)

That was, in essence, a divine proclamation of the dignity of every human person. Since then that message, of which Bethlehem was the cradle, has unceasingly inspired human history.

The message of Jesus was identified with his person as he identified himself with every human person, especially the weak and the poor. He could identify himself with the displaced and the refugees, because he was himself a displaced person and a refugee. As a manual labourer, he shared the fatigue and sweat of the working people. Being himself a person unjustly condemned to unbearable suffering, he renewed his commitment to stand with every human person forced to bear injustice and oppression. By giving his life for others, he became the source of strength and salvation. To those who believe, his resurrection became an unending fountain of fullness of life and his perennial presence a source of constant joy. For this reason, in subsequent centuries literature and art have been inspired by and have celebrated his person and message. Jesus of Nazareth transformed human history and gave it a new meaning because he redefined the human person and restored his dignity.

Even today, Jesus remains an inviting impetus and an unceasing reminder, offering and urging a constructive change in the hearts of individuals and of the entire human family. He calls for a renewed conviction in the inalienable dignity of every human person. The two thousandth year of his birth in Bethlehem is a propitious occasion to rekindle trust in a human family united in fellowship and solidarity, devoid of any greed for power and conquest. Society is under constant threat from man's deeds, a threat which might destroy mankind.

Man suffers under self-made chains of consumerism and permissiveness, and he blindly pursues a culture of death and destruction. Everything in the universe, it seems, is revalued and redefined, while the human person, who is the culmination of all creation, undergoes an exaggerated depreciation and contempt. God's truth about man can liberate us from egoism and self-inflicted slavery. Love, without strings and limits, should impel us to build a new society. In this process of self-awareness and renewal, the message of Bethlehem, after two thousand years and in spite of bitter failures and shortcomings, even by the very followers of Christ, remains crucially important and universally appealing.

Falsehoods and facades, hypocrisy and self-righteousness, megalomania and self-centeredness all lead to conflict and violence and are opposed to the Christ-event of Bethlehem. His example is an invitation to humility and selflessness, goodness and generosity, forgiveness and acceptance. Then the history of conflicts and wars, hatred and oppression, power politics and hegemony can give way to a new millennium that exemplifies harmony and love, brotherhood and solidarity.

At the threshold of the third millennium, Bethlehem inspires us with new hope. We can read in it a universal message, addressed to its inhabitants and to all people of the world, calling them to commit themselves to preserve and share the precious gifts of peace.

Peace will become a reality if we enter the new millennium as people of good will. The wounds of the past can be healed if love is understood and lived to the fullest. Human destiny will be brighter and more promising when solidarity becomes a principle accepted by all. Above all, the new millennium could be distinguished by its respect for life and for the dignity of the human person.

The delegation of the Holy See avails itself of this occasion to renew to the entire world the message of Bethlehem. Let Bethlehem be a living witness to the message of peace which Jesus brought at his birth. This message, announcing the courage to forgive, the strength to love and the hope to live, extends in a special way to the people of Bethlehem and of the entire region.

**The Acting President** (*interpretation from Spanish*): We have heard the last speaker in the debate on this item. At the request of the sponsors, I should now like to consult the Assembly with a view to considering immediately the draft resolution contained in document A/53/L.37, as orally revised. In this connection, since the document has been circulated only this morning, it would be necessary to waive the relevant provision of rule 78 of the rules of procedure, which reads as follows:

> "As a general rule, no proposal shall be discussed or put to the vote at any meeting of the General Assembly unless copies of it have been circulated to all delegations not later than the day preceding the meeting."

Unless I hear any objections, I will take it that the Assembly agrees to waive the relevant provision of rule 78.

*It was so decided.*

**The Acting President** (*interpretation from Spanish*): The Assembly will now take a decision on draft resolution A/53/L.37, as orally revised.

Before taking action on the draft resolution, I am pleased to announce that since it was introduced we have had additions to the list of sponsors, namely: Argentina, Bahrain, Belarus, Benin, Costa Rica, El Salvador, France, Greece, Ireland, Italy, Portugal, Peru, the Russian Federation, Spain, Vanuatu.

May I take it that the Assembly decides to adopt draft resolution A/53/L.37, as orally revised?

*Draft resolution A/53/L.37, as orally revised, was adopted (resolution 53/27).*

*The President returned to the Chair.*

**The President** (*interpretation from Spanish*): Before giving the floor to speakers in explanation of vote after the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Mr. Gold** (Israel): Israel embraces the opportunity to host a historic in gathering of Christian pilgrims, marking two thousand years since the birth of Jesus in the ancient land then known as Judea. The Israeli Government, through its newly founded 2000 Authority, has spent the past few years eagerly laying the groundwork for this event. It has invested close to a billion dollars and launched a variety of projects, tours, travel and hotel plans with one goal: to make this event as meaningful and rewarding as possible for the Christian pilgrims.

This follows in a proud tradition of promoting religious freedom in Israel. As a group which was persecuted for centuries over our own religious expression and denied access to our most cherished holy sites by successive empires that occupied our land, the Jewish people feels strongly the need to protect the religious rights of all peoples. Since the establishment of the State of Israel, we have enabled all groups to enjoy, without limit, the benefits of the holy places in our jurisdiction, making these sites freer and more accessible than they have been in two millennia. This principle continued to be applied after 1967, as well. The Christian community, for example, has enjoyed unlimited rights of religious activity, fulfilment and control in the holy sites of Jerusalem and Nazareth and elsewhere throughout the country.

Bethlehem 2000 is no exception. We have started plans for improving transportation and lodging, among other things, to enhance the Bethlehem 2000 experience. Israel stands fully ready to cooperate with the Christian and Arab communities in this endeavour. In particular, we have proposed joint measures with the Palestinian Authority and have contributed hundreds of thousands of dollars to improve the conditions of the Bethlehem area. We now await their agreement to cooperate.

We find it most unfortunate, therefore, that this universally inspiring occasion has been tainted by political agendas that advance the interests of one side at the expense of the other and of the peace process as a whole. But for a few unfortunate phrases and some unfortunate terminology, this resolution could have reflected the universal importance of the event and received unqualified support. Instead, a purely religious occasion has been cynically manipulated in order to advance a narrow political interest.

We also regret that this divisive politicization was part of an initiative advanced by the Palestinian Observer Mission. Although it is clear to all that Israeli-Palestinian cooperation on the ground is essential for the project's success, cooperation in drafting this resolution was not even considered. That makes it unfortunate on two counts. First, the Oslo and Wye agreements specifically require that permanent status issues be addressed in bilateral negotiations between the parties. Secondly, this initiative stands in direct contradiction to the commitment given by the Palestine Liberation Organization at Wye to refrain from taking steps that change the status of the West Bank and the Gaza Strip. Clearly, the struggle over the nomenclature used in this resolution is part of an effort to advance a unilateral alternative to a negotiated settlement of the Israeli-Palestinian conflict.

It is our hope that the spirit of cooperation between peoples and religions, reflected in our joint plans for the year 2000, will prevail over the narrow interests advanced here. That is why Israel joined the consensus. Peoples are often tested by their ability to transcend their particular interests in the service of a universal good. Unfortunately, the experience of this resolution proves that the very opposite has occurred.

**The President** *(interpretation from Spanish)*: We have heard the only speaker in explanation of vote.

**Mr. Al-Kidwa** (Palestine) (*interpretation from Arabic*): There is no need for me to point out that the statement we have just heard runs counter to the general trend that prevailed here today. We remain convinced, however, that the best option is not to spoil the general and valuable consensus that prevailed at this meeting and that led to the adoption by consensus of this important resolution, entitled "Bethlehem 2000". Consequently, we will not respond to the many errors in the statement that we have just heard.

**The President** *(interpretation from Spanish)*: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 157?

*It was so decided.*

**Agenda item 44**

**The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development**

**Reports of the Secretary-General (A/53/288, A/53/315, A/53/421 and Corr.1)**

**Draft resolutions (A/53/L.20, A/53/L.22/Rev.2)**

**The President** (*interpretation from Spanish*): I call on the representative of Mexico to introduce draft resolution A/53/L.20.

**Mr. Albin** (Mexico) (*interpretation from Spanish*): It is an honour for the delegation of Mexico to introduce the draft resolution contained in document A/53/L.20. In addition to the countries listed, which make up the Group of Friends of the Guatemala peace process, the draft resolution is sponsored by Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, the Netherlands, Portugal, the Russian Federation, Sweden and the United Kingdom of Great Britain and Northern Ireland.

The preambular part of the draft resolution refers to the resolution adopted by the Assembly last year and to the various reports submitted by the Secretary-General. It mentions the progress and the efforts of the parties and of Guatemalan society in support of the Peace Agreements, stressing the role played by the United Nations Verification Mission in Guatemala (MINUGUA) in support of the peace process. It acknowledges the support of the international community and recalls the request of the parties with regard to the duration of the mandate of the Mission.

After taking note of the reports submitted to the Assembly, the operative part of the draft resolution welcomes the progress made in implementing the Peace Agreements, in particular the recently adopted constitutional reforms, and stresses the need to ensure their broad acceptance in the upcoming referendum.

The sponsors are aware of the problems that may arise in organizing the voting process because of the damage caused by hurricane Mitch. However, we are confident that the authorities and society at large will take the measures necessary to carry out that process as soon as possible so as not to affect the scheduled verification timetable.

The draft also underscores the importance of further complying with the commitments set out in the peace agreements, particularly on issues identified as priorities. It calls upon the parties to implement fully the commitments they entered into in the Comprehensive Agreement on Human Rights and those in the other peace agreements, in particular those contained in the third phase of the Implementation, Compliance and Verification Timetable for the Peace Agreements, and to remain committed to the goals of those agreements, particularly during the 1999 electoral period. The sponsors hope that all the political forces participating in the electoral process will comply with the commitments which stem from the peace agreements.

The draft stresses the importance for the international community to continue its support for the peace process, especially through voluntary contributions to the Trust Fund for Guatemala established by the Secretary-General. This appeal is particularly crucial in the dramatic context which stems from the impact of hurricane Mitch. The sponsors appeal to Member States and all international organizations and institutions to be generous in their contributions.

Finally, the draft resolution proposes that the General Assembly decide to renew the mandate of the Mission from 1 January to 31 December 1999, requesting the Secretary-General to submit a report with his recommendations with regard to the Mission after 31 December 1999 to the General Assembly at its fifty-fourth session and that he keep the Assembly fully informed of the implementation of the resolution.

Confrontation and uncertainty seem to be the hallmark of the international situation of our time. In contrast, the Guatemalan peace process is working and working well, thereby attesting to the courage and determination of a people yearning for peace, reconciliation and development. The sponsors trust that the General Assembly will appreciate the significance and magnitude of these efforts and will be unanimous in its early adoption of the draft resolution which I have had the honour to introduce.

**The President** (*interpretation from Spanish*): I call on the representative of Guatemala to introduce draft resolution A/53/L.22/Rev.2.

**Mr. Rosenthal** (Guatemala) (*interpretation from Spanish*): It is my pleasure to introduce, on behalf of the sponsors, who have now been joined by Brazil, Canada, Haiti, Jamaica, Japan and Paraguay, draft resolution A/53/L.22/Rev.2, submitted under agenda item 44.

If I may be allowed a personal remark, I should like to mention that this is my first statement before the General Assembly since assuming my duties as Permanent Representative of my country only two weeks ago, so this is an event of special significance for me.

It is also a moment of mixed emotions. On the one hand, it is impossible to speak today of Central America without thinking of the natural disaster that ravaged the region at the end of October. Our attention is still riveted on the tasks of relief, emergency assistance, rehabilitation and reconstruction in what can only be described as a most distressing situation, measured in terms of human and material losses, especially in the case of Honduras and Nicaragua. Indeed, the progress achieved in previous decades with regard to development will have suffered a setback or perhaps even be wiped out as a consequence of the damage inflicted on the productive capacity and physical infrastructure of the countries of the region.

On the other hand, however, we have before us a paradoxical but undeniable fact: the evolution of Central America in the 15 years since this topic first appeared on the agenda of the General Assembly can be characterized as a remarkable success story - a success story of the Central Americans, because to a large extent it was their own work, and a success story of international cooperation and of our Organization — the United Nations.

Allow me, therefore, to stress this positive aspect, which is unfortunately now clouded over by a fortuitous event, one which we will also overcome with time. The best analogy here would be the comparison of two snapshots: one of Central America in 1983, and the other in 1998.

In the first snapshot, there were serious civil conflicts in three countries which disturbed the peace in the entire region. With the notable exception of Costa Rica, authoritarian regimes, accompanied by a culture of intolerance and impunity, prevailed in the region. The most elementary human rights were often violated. The economies were undergoing their worst financial crisis since the 1930s, which was reflected in an abrupt drop in the real income of most of the population. The high level of economic interdependence which was so laboriously achieved in previous decades under the aegis of the Central American Common Market quickly gave way to fragmentation.

In the second snapshot, the armed conflicts have been overcome. Formal peace accords signed in El Salvador have, to a large extent, been implemented, while in the case of Guatemala they are generally on track. And even more important is the fact that the Nicaraguans, Salvadorans and Guatemalans are well along on the path of reconciliation. In the entire region, not only do we see a consolidation of more pluralistic and participatory political regimes, but a truly democratic culture, one with respect for human rights, is gradually taking root. The economies have been on a recovery path since the beginning of this decade, with growth rates which may as yet be unsatisfactory and which still have serious shortfalls for most sectors of the population, but nevertheless ultimately this is a recovery. In that context, intraregional trade has notably increased and Central American integration has received a new impetus which stems from decisions taken at the very highest political level.

The contrast between the two snapshots could not be sharper. In spite of all the problems which the countries of the region are still confronting — and there are many — the ground covered since 1983 puts them in a far superior situation. These achievements, to be sure, are clouded by the recent catastrophe, but even so it can be stated that Central America is today in a much better position to meet the new challenges of rehabilitation and reconstruction than it was barely a decade ago.

Although the achievements I have mentioned were no doubt facilitated by the dramatic changes in the international climate — and especially by the end of the East-West conflict that had caused such woe in Central America — it is only fair to stress that it was basically the Central Americans themselves who provided leadership in the process of pacification, democratization and development. I refer both to Governments and to civil societies. It is no accident in this regard that two illustrious Central Americans, Mr. Oscar Arias Sánchez and Ms. Rigoberta Menchú Tum, were awarded the Nobel Peace Prize in the short span of five years. Thus, a decade on, the course charted in the August 1987 Esquipulas II accord on "Procedures for the establishment of a firm and lasting peace in Central America" has essentially been traversed.

I also mentioned the importance of international cooperation — from the pioneering efforts of the Contadora Group, soon expanded to the Rio Group, to the bilateral support provided by important outside actors on the Central American stage; from the equally pioneering mechanism of the groups of friends that accompanied the various peace negotiations to the irreplaceable role of the United Nations in the various stages of producing the second snapshot. To all this we must add the economic and financial cooperation provided by the bilateral and multilateral institutions, which has been so decisive in the economic recovery experienced throughout this decade.

Yet the task was far from accomplished. After all, the creation of a region of peace, freedom, democracy and development in Central America is a very long-term endeavour, to which we must now add the task of rehabilitation and reconstruction. It is for this reason that we have submitted draft resolution A/53/L.22/Rev.2 for consideration by the General Assembly; it draws on the idea that we are dealing with a long-term process. That process must be undertaken first and foremost by all Central Americans, but it also requires the continued support and solidarity of the international community in general and of the United Nations in particular. It is entirely appropriate, then, to continue monitoring this process, highlighting both its achievements and its shortcomings. That is the aim of the draft resolution now before the Assembly.

**Mr. Sucharipa** (Austria): I have the honour to speak on behalf of the European Union. In addition, the Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated country Cyprus, as well as the European Free Trade Association countries members of the European Economic Area Iceland and Liechtenstein, align themselves with this statement.

The European Union recognizes with great satisfaction that all countries of Central America are under democratic rule today. They have all entered a promising period of their history and have truly made progress in establishing and promoting a firm and lasting peace.

We are grateful to the Secretary-General for providing us with excellent, detailed reports on the situation in Central America and on the United Nations Verification Mission in Guatemala. These reports show that a lot has been done in the past few years, but also that there are still obstacles and difficulties on the road to the full consolidation of Central America's recent achievements.

Let me on this occasion express our deepest sorrow and regret at the massive loss of human life and the destruction of human settlements, infrastructure and economic and ecological resources caused only recently by hurricane Mitch. The devastating effects of that natural disaster have in particular caused enormous suffering to poor and vulnerable communities. The international community will have to show strong solidarity with the affected countries and provide them with assistance for comprehensive rehabilitation and reconstruction. This will also be necessary in order to allow regular development activities to continue. With regard to emergency relief, we would like to commend the United Nations bodies and programmes concerned for their quick response and their swift action.

The European Union has decided to allocate immediate assistance to the victims of the storm, amounting to a total of ECU 100 million — $117 million — from the Union's member States and from the European Community budget. Furthermore, high-ranking delegations of the European Commission and of European Union member States are travelling to the region to evaluate the immediate needs in terms of humanitarian aid. The Commission also intends to present an action plan on the European Union's contribution to the rehabilitation and reconstruction of the most severely affected countries.

The European Union has supported international and regional efforts in the search for a negotiated peace in Central America from their very start, including the endeavours of the Contadora Group, set up in 1983, the Esquipulas process, which began in 1986, and the Esquipulas II peace treaty on "Procedures for the establishment of a firm and lasting peace in Central America" of 1987. The San José dialogue, in which the Central American countries and the European Union have been engaged since 1984, has undoubtedly accelerated the emergence of the Central American initiative for a negotiated settlement.

Our political support for the countries of Central America has always been complemented by substantial assistance in the humanitarian field as well as in the sphere of development and economic cooperation. Throughout the times of war, the European Union was the principal aid donor to Central American refugees, displaced and repatriated persons and demobilized fighters.

Once peace had returned to Nicaragua and El Salvador, the European Union was one of the main sponsors of reconciliation and reconstruction in those countries. The Union also provides extensive support for the peace process in Guatemala, where ECU 200 million — $234 million — have been allocated for the period from 1997 to 2000 to give assistance in the demobilization and reintegration of personnel of the Unidad Revolucionaria Nacional Guatemalteca and the army, in the legal protection of property and the establishment of a national land register, in the process of decentralizing and strengthening local government, in the establishment of a civilian national police force and in improving the administration of justice and the taxation system.

This leads me to the current situation in Guatemala. Almost two years have passed since the Peace Agreements were signed, and the European Union commends the Guatemalan people, its constitutional and political representatives and all sectors of civil society on their efforts to implement them.

In particular, we welcome the recent approval in Congress of constitutional reforms. We hope that a referendum will soon be held to endorse them by popular vote. We encourage the State and society of Guatemala to continue the process towards the full implementation of the peace accords. Their active commitment to the goals of the accords is imperative, not least with respect to the upcoming election period.

The European Union believes that the accords bind all Guatemalans and strongly encourages all sectors to contribute to the achievement of their targets, in particular in the socio-economic fields. The attainment of the major fiscal goals and progress towards the implementation of the recent agreement on a more equitable tax system will be considered important indicators for Guatemala's commitment to the peace process. While recognizing positive developments, we also hope for further progress regarding land issues.

The European Union deplores the fact that serious law and order problems continue to imperil citizens' security in Guatemala. We are concerned about unresolved cases of violent crimes, in particular the still unresolved murder of Bishop Gerardi, and human rights violations. The Union calls upon the competent authorities of Guatemala to renew efforts to ensure a full investigation and to bring those responsible to justice. We believe that strengthening the judicial power will be crucial to end impunity and to guarantee the rule of law. The European Union also calls upon the Government of Guatemala to continue to support the work of the *comisión de la verdad* and to take all appropriate measures to ensure the safety of its members.

All this being said, the European Union strongly supports the indispensable work and activities of the United Nations Verification Mission in Guatemala (MINUGUA), whose primary function is to ensure the full implementation of the peace accords in a period of four years, which started in 1997. MINUGUA remains at the centre of international efforts to strengthen confidence in the consolidation of peace in Guatemala. Last year, we welcomed and supported the Mission's restructuring and strengthening. We note with satisfaction that this has enhanced MINUGUA's ability to carry out its complex mandate.

Let me take this opportunity to commend the members of the Mission for their valuable work. Furthermore, I would like to pay tribute to the six members of the Mission and the pilot who lost their lives in a helicopter crash on 17 March this year. Their tragic end reminds us of the hardship and risks which those who participate in United Nations missions often face while carrying out their tasks and of the courage and dedication needed for work in the field.

As to El Salvador, the European Union recognizes that further advances have been made in the implementation of outstanding elements of the 1992 peace agreements, in particular with regard to the Land Transfer Programme. In other fields, however, certain obstacles to the implementation of pending issues remain. In this connection, may I just mention the rural settlement programme and the problems faced by relatives of deceased combatants who did not appear in the original 1993 census.

Furthermore, we hope for further progress regarding respect for and protection and promotion of human rights. In this connection, we would like to stress the importance of an impartial and active role for the human rights ombudsman. Furthermore, the European Union wishes to underline that in the field of public security, and in particular with regard to the national civilian police, efforts to implement necessary reforms must continue. In general, we consider it imperative to sustain the gains of the peace process and consolidate the institutions it created.

The European Union therefore strongly supports United Nations efforts to foster the consolidation of the peace-building process in El Salvador. We take note of the closure of the relevant service unit within the structure of the United Nations Development Programme (UNDP) despite the fact that some aspects of the peace accords are still to be implemented. We support the proposal made by the Secretary-General to entrust UNDP with the necessary follow-up to these matters, in consultation with donor Governments, while the Organization's good-offices functions will continue to be carried out by the United Nations Secretariat in coordination with UNDP.

At the XIV Ministerial Conference on political dialogue and economic cooperation between the countries of the European Union and the Member States of the Central American Integration System — which was held in San José, Costa Rica, on 10 and 11 February this year — the Union reaffirmed its will to continue cooperating with the region in order to help consolidate its full development. The San José dialogue has continued to contribute decisively to the efforts of the Central American countries in making the processes of peace and democracy in the area irreversible, to full respect for human rights and basic freedoms, to promoting the development of the most vulnerable sections of the population and to consolidating regional integration.

The XIV Ministerial Conference welcomed the consolidation of Central America as a region of peace and democracy and recognized the efforts made by the Central American countries to guarantee the security of the population. In this context, the Union reiterated its willingness to reinforce its cooperation with relevant Central American initiatives, in particular regarding the training of civilian police and the development of better relations between citizens and civilian police through information and dialogue.

Over recent years, the European Union and Central America have tightened their links and developed a rich network of relations. While reaffirming our support for the activities of the United Nations in the region, we also look forward to an intensified cooperation and dialogue with Central America in the United Nations framework, based on shared values and common views on subjects of global importance.

**Mr. Kolby** (Norway): I would like to begin by expressing my deepest sympathy to the Governments and the peoples of Central America for the losses and suffering inflicted on them by the devastation wrought by hurricane Mitch. We were distressed to receive the news of so many deaths and such extensive damage. The survivors face the huge task of rebuilding their countries. The support of the international community is vital if the consequences of this unimaginable disaster are to be limited. It is therefore of crucial importance that the international community continue to show solidarity and support for the countries of Central America as they start the long struggle to repair the havoc of which they are the innocent victims. Apart from immediate emergency assistance, Norway is willing to contribute to the establishment of a multilateral debt trust fund.

As a former member of the Group of Friends of the Guatemalan peace process, Norway wishes first and foremost to pay tribute to the Government and the people of Guatemala for what they have achieved in the implementation of the Peace Agreements. Not least among these achievements is the importance of the constitutional reforms that were adopted by Congress a few weeks ago. These reforms consolidate Guatemala's position as a multi-ethnic, multicultural and multilingual nation, with equal rights and opportunities for everyone. For the further implementation of the Peace Agreements it is crucial that the constitutional reforms receive the necessary support from the people in the forthcoming referendum. We strongly urge the Guatemalan Government and people to stand together behind the proposed reforms and to ensure the broadest possible participation in the referendum, if necessary with the help of the international community. Norway is prepared to provide assistance by promoting the genuine participation of all sectors of Guatemalan society during the forthcoming elections, in 1999.

Norway wishes to pay tribute to the Guatemalan Government for the agreement it has concluded with civil society to prepare a package of tax reforms that will ensure revenues of 12 per cent of the gross domestic product by the year 2002, as laid down in the agreement. Such reforms are a precondition for the implementation of the rest of the peace agreements, and their significance must not be underestimated. Norway therefore strongly urges the parties involved to give priority to efforts to achieve the minimum level of tax revenues by 2002, as defined in the Peace Agreement.

The agreement establishing a Clarification Commission was concluded in Oslo in June 1994. The Commission will present its report in January 1999. We urge the Guatemalan Government to make binding commitments on the basis of the recommendations of the report. Norway has been one of the main supporters of the Commission's work, and we are also prepared to support the efforts to follow up the report's conclusions.

Norway has undertaken to support the implementation of the Peace Agreements in Guatemala to the amount of 100 million Norwegian kroner every year throughout the implementation period — 1996 to 2000. This includes being one of the major contributors to the United Nations Verification Mission in Guatemala (MINUGUA), whose presence and participation in the implementation process we consider to be of the greatest importance. I would like to take this opportunity to emphasize the significance of Jean Arnault's efforts as director of MINUGUA and of the professional way in which MINUGUA's mandate has been implemented. The importance of extending MINUGUA's mandate to cover the same period as the implementation of the peace agreements must not be underestimated, and Norway therefore supports the draft resolution on the extension of MINUGUA's mandate until 31 December 1999.

The work of implementing the Peace Agreements in Guatemala has now reached its third and perhaps most demanding phase. It is now that the foundation will be laid for a nation with equal rights and opportunities for all, as set out in the Agreements. We urge Guatemala to stand united behind the changes that are needed in order to achieve the ambitious goals of the Peace Agreements and to make this a national task, irrespective of political or socio-cultural affiliation. On behalf of the Norwegian Government, I would like to emphasize Norway's willingness to follow up and support Guatemala in its efforts to implement the peace agreements.

**Mr. Sharma** (India): My delegation is happy to take the floor to speak for the first time on the situation in Central America. India's engagement in Central America has increased manifold in recent years and, as a reflection of our abiding commitment to strengthening relations with countries in the region, I am taking this opportunity to share with the general membership our perspective on the evolving situation in Central America.

We have read with great interest the report of the Secretary-General on the situation in Central America contained in document A/53/315, covering developments relating to progress achieved by countries in the region in the areas of peace, freedom, democracy and development. In recent years Central America has witnessed a remarkable transition to democratic rule. This has been accompanied by concerted efforts towards regional, political, economic and social integration. The international community is aware of the strides taken by the countries in the region in their endeavour to usher in an era of peace and prosperity in Central America. The United Nations has a role in facilitating this process.

While the region appreciates that much more needs to be done, the Governments of the region are committed to realizing the goals they have set for themselves. As the Secretary-General has noted in his report, democratically elected Governments have shown themselves to be stable in the face of internal difficulties. Eleven years after the Esquipulas II agreement, the countries in the region remain committed in their resolve to achieve peace, democratization, reconciliation, development and justice.

Economic development has followed peaceful settlement of disputes in the region. The Economic Commission for Latin America and the Caribbean has noted that Central America's economic performance improved in 1997. The region's gross domestic product grew by 4 per cent compared to 2.1 per cent in the previous year. The historic Guatemalan Peace Agreements, ending more than 35 years of internecine conflict, paved the way for an end to a vicious circle of political instability that had retarded social and economic development. Regional disputes are also being resolved amicably and peacefully. In January this year the Presidents of Honduras and El Salvador signed an accord agreeing to demarcate their borders within a year, as also a convention resolving the problems of nationality and property ownership for the border population. Some progress has also been achieved on the demarcation of the waters of the Gulf of Fonseca. Moreover, Nicaragua and Costa Rica have consistently emphasized the need to settle their differences through dialogue over transit on the San Juan River along their borders. These are all welcome developments.

The Secretary-General has noted in his report that there has been a further consolidation of the Alliance for the Sustainable Development of Central America, an ambitious and comprehensive initiative to promote respect for life, peace, democracy, human rights, ethnic diversity, economic integration and sustainable development. We welcome this.

In pursuance of the goals of regional cooperation and integration, the Heads of State of countries in the region, at their nineteenth summit in Panama City in July 1997, approved a reform of the System of Regional Integration to allow the transition from an intergovernmental system to a community system. The resulting Guidelines for the Strengthening and Rationalization of Regional Institutions proposed that the

Presidents should meet at least once a year to take strategic and political decisions on integration while a Council of Foreign Ministers would operate as the main decision-making body on the integration of foreign affairs, economy, social affairs and the environment.

In September 1997 the Declaration of Nicaragua, which aims to build a Central American Union, was signed. These represent significant progress towards closer regional integration and the common pursuit of regional sustainable development, which the international community must encourage and support. From our efforts in our own region through the South Asian Association for Regional Cooperation, we recognize the synergies that can be created through regional striving for the benefit of the peoples of all member States.

We welcome the outcome of the Tuxtla III conference held in San Salvador in July this year, where Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama reaffirmed their goal of working towards the establishment of a regional association that would enable them to adopt joint positions on matters of common interest and to coordinate their positions at international gatherings.

The Secretary-General in his report has observed that the Central American peace process has evolved significantly in recent years and that for the first time in decades not one of the countries in the region is plagued by internal conflict. While acknowledging that a lasting peace is dependent on maintaining strong linkages between freedom, democracy and development, the role of the people and Governments in the region in fostering peace and striving for economic development needs to be highlighted and encouraged.

We welcome the initiatives of the United Nations funds and programmes to address in a collaborative manner the developmental needs of Central America. We have appreciated the joint project of the United Nations Development Programme, the United Nations Children's Fund, the United Nations Development Fund for Women, the United Nations Population Fund, the United Nations programme on HIV/AIDS (UNAIDS), the Office of the United Nations High Commissioner for Refugees and the Economic Commission for Latin America and the Caribbean entitled Human Rights Campaign on Violence against Women and Girls. We are also singularly impressed by the initiative of the First Ladies of Central America, in cooperation with the Inter-American Institute for Co-operation in Agriculture and the Inter-American Development Bank, to establish the Regional Council for Rural Women, an area of special emphasis in our own country.

India's growing interaction with the countries in the region is manifest in a number of areas. We have always been a supportive partner in Central America's quest for democratization and development. India has participated in the United Nations observer missions in El Salvador and Nicaragua. India and the Central American States annually hold an institutionalized dialogue at the foreign ministers level in New York. Within the framework of the Indian Technical and Economic Cooperation Programme (ITEC), India has shared its technical knowledge with various countries in the region. A draft agreement for bilateral economic and commercial cooperation is under negotiation with Honduras, which will also expand training programmes available in India. Nicaragua has also been a partner in cooperation under this programme, and India has offered various courses under this programme to Panama and El Salvador. In a significant development, an agreement was concluded recently between four leading Indian software companies and the Salvadoran Foundation for Economic and Social Development (FUSADES) for 120 nationals of that country to undergo a nine-month training course in India. We are continuing to expand technical and economic cooperation between India and the countries of the Central American region, *inter alia* through imparting to this cooperation the required regional focus.

Years of strenuous efforts for economic development in the region have been grievously retarded by a cruel stroke of nature. The large-scale devastation recently wrought by hurricane Mitch has been of unimaginable proportions, leaving some 14,000 dead, nearly 20,000 missing and presumed dead, and 3 million homeless. According to official estimates, it will take Central America decades to rebuild destroyed infrastructure and recover from the economic losses resulting from Mitch's devastating aftermath. Last week at a summit in El Salvador, leaders of Nicaragua, Costa Rica, Honduras, El Salvador and Guatemala appealed to the World Bank, the International Monetary Fund, the Inter-American Development Bank and the Central American Bank for Economic Integration to participate in working out an integral reconstruction plan for the region. A noted Nicaraguan economist, Alejandro Martinez Cuenca, a former planning minister and currently director of an international foundation dealing with the global economic challenge, recently concluded,

> "Central America will not be able to get back on its feet from this tragedy with projects and charity; the only way is through the promotion of a Marshall Plan-style initiative, because the countries of Central America were so destroyed, it looks like a war took place."

We endorse this call. In the present circumstances, the Secretary-General's conclusion in his report, which was written well before hurricane Mitch struck the region, calling for the full involvement and support of the international community, is all the more imperative. There have been demands for a debt write-off for countries in the region as well as for immediate and large-scale reconstruction efforts going beyond mere disaster relief assistance. The international community must take heed of the measureless havoc caused by such an unprecedented calamity and redouble efforts to mitigate the suffering of the peoples of the region. In spite of resource constraints, India will endeavour to contribute to the best of its capacity to the international efforts to provide succour to the disaster-stricken countries of Central America and to participate in their long-term rehabilitation and reconstruction.

*The meeting rose at 1.05 p.m.*

United Nations A/53/PV.62

# General Assembly

Fifty-third session

*Official Records*

62nd plenary meeting
Thursday, 19 November 1998, 10 a.m.
New York

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*President*: Mr. Opertti .................................... (Uruguay)

*In the absence of the President, Mr. Belinga-Eboutou (Cameroon), Vice-President, took the Chair.*

*The meeting was called to order at 10.10 a.m.*

**Agenda item 48**

**Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991**

**Note by the Secretary-General transmitting the fifth annual report of the International Tribunal (A/53/219)**

**The Acting President** (*interpretation from French*): This morning, the Assembly has before it a note by the Secretary-General transmitting the fifth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, which is contained in document A/53/219.

May I take it that the Assembly takes note of the fifth annual report of the International Tribunal?

*It was so decided.*

**The Acting President** (*interpretation from French*): I call on Ms. Gabrielle Kirk McDonald, President of the International Criminal Tribunal for the Former Yugoslavia.

**Ms. McDonald** (President of the International Tribunal): It is truly an honour to address the General Assembly on the past year's activities of the International Criminal Tribunal for the Former Yugoslavia.

As a young girl, I toured the United Nations and marvelled at this august institution. To one day have the privilege of addressing the General Assembly was more than I could have hoped for, yet here I am, experiencing the same sense of awe that I felt over 40 years ago.

The fifth annual report of the International Tribunal was submitted in July of this year and numbers over sixty pages in length. It contains a comprehensive description of the activities of the three organs of the Tribunal; the Chambers, the Prosecutor, and the Registry.

First, I will highlight and update the report with a few of the activities of the Tribunal. Secondly, I will discuss State non-compliance, which threatens the discharge of our mandate. Thirdly, I will discuss the role of the Tribunal in the peace process.

This year marks the fiftieth anniversary of the signing of the Universal Declaration of Human Rights. Half a century later, this document remains one of the defining achievements in the history of humanity. That it retains such status is testament to the conceptual achievement its adoption signified. Its aspirations and its comprehensive declaration of existing rights serve as a common standard for all peoples and nations. Its strength lies in its purpose. Even though it is a definitive

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This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

statement of basic rights, it failed to establish explicit mechanisms for observing, enforcing or protecting those rights.

In a sense, our Tribunal was created to fill the gap left by the drafters of the Universal Declaration. When the Security Council established the International Tribunal in 1993, no one could have predicted that within one year a second Tribunal — for Rwanda — would be necessary. The establishment and success of these Tribunals played no small role in the signing, in July, of the Rome Treaty, creating a permanent International Criminal Court. Together, these courts are the guardians of the rights enshrined in the Universal Declaration.

The progress of the Tribunal from its inception till now has been extraordinary. As one of the original 11 Judges I have had the exceptional opportunity to participate in the process of developing the Tribunal. Most nations have established their judicial systems over the course of hundreds of years. In just half a decade, the International Tribunal has developed into a fully functioning judicial institution. More than six hundred people are employed, representing 57 different nationalities. The budget for 1998 totals over $62 million. Our accomplishments, with the support of the United Nations, are truly phenomenal.

As an international court, the Tribunal stands for the principle of the rule of law. Our goal is to dispense justice, not to exact revenge. The quest for revenge, which occasionally satisfies a primordial need, at its least only perpetuates the cycle of intolerance, or, at its worst, leads to further violence.

The past year marked the end of the building era of the International Tribunal. The first four years were primarily devoted to developing the infrastructure, employing the staff and creating the procedures necessary for a judicial institution. This year's annual report demonstrates that the Tribunal is actively engaging in judicial proceedings aimed at dispensing justice — our *raison d'être*.

During the last year, with the arrest or surrender of 19 accused, the number of detainees in custody tripled. We now have 25 detainees in custody, and one has been provisionally released. To a large extent, these arrests and surrenders have served as a catalyst for the Tribunal's tremendous growth. Concomitant with this growth is a need for increased financial support. It would have been impossible to provide this number of accused a fair and expeditious trial with the resources available one year ago.

During the reporting period great strides have been made to expedite our judicial proceedings. Two additional courtrooms were constructed, giving the Tribunal a total of three available courtrooms. Several Member States made generous contributions allowing for the construction. The United Kingdom provided the funds necessary to construct Courtroom Two. The Netherlands and the United States funded Courtroom Three, with Canada contributing to the project. Earlier this week, we inaugurated three new judges, thus permitting the establishment of a much needed third Trial Chamber. Recent amendments to our Rules of Procedure and Evidence have put into place new mechanisms, including a pre-trial judge and provision for a pre-trial conference. Additionally, we have fine-tuned existing procedures to enhance the ability of Chambers to accommodate the large number of accused on trial and awaiting trial.

The Tribunal is now engaged in an extraordinary amount of litigation activity: four cases have been completed (the judgement in one was rendered earlier this week); three trials are ongoing; seven cases are in the pre-trial stages; three appeals are pending. Two cases were closed this summer, after the unfortunate deaths of the accused. As you are aware, the five-member Appeals Chamber also considers appeals from Rwanda. From that Tribunal, there are two appeals pending and four applications for leave to appeal.

As I have indicated, in the last year the Tribunal has witnessed a substantial increase in the number of accused in custody awaiting trial. The Prosecutor is confident that additional detentions by the Stabilization Force (SFOR) will occur throughout 1999, and consequently she anticipates a continuing supply of cases for the Trial Chambers.

However, it should be borne in mind that the Office of the Prosecutor is also the investigative arm of the Tribunal. For the Prosecutor, preparing cases for trial has resulted in significant investigative and legal resources being diverted from other ongoing investigations. As a consequence, the Prosecutor's ability to conduct new investigations has been severely interrupted, and during 1998 it has been necessary to suspend a number of important investigations until additional resources can be obtained. Moreover, the success of a number of investigative missions by the Office of the Prosecutor has meant the seizure of large numbers of documents generated during the conflict. This material requires considerable resources for indexing, analysis and extraction of relevant evidence for investigations and prosecutions.

The Prosecutor could not predict accurately the number of accused persons who would be surrendered to The Hague during 1998 nor the quantity of documents which would come into her possession through the execution of search warrants. Unexpected successes in both arrests and searches meant that the resources required to prepare the cases for trial and to conduct their prosecution had been underestimated. Consequently, the Prosecutor reports that she was not able to efficiently and expeditiously fulfil her dual obligations of investigation and prosecution under the Statute of the Tribunal. The Office of the Prosecutor considers itself the engine driving all the other work of the Tribunal: without investigation, there can be no prosecution. Accordingly, I respectfully request the General Assembly to support the Prosecutor's bid for additional resources for 1999.

Likewise, this increase in judicial activity impacts the Chambers' capacity to provide for fair and expeditious trials. In recognition of this increased caseload, the Security Council created a third Trial Chamber. Because of the developing nature of international humanitarian law, its application requires an extensive review of limited and diverse sources of international and national law. Consequently, legal support is needed for this new Trial Chamber and the Chambers as a whole if they are to continue functioning effectively. I respectfully ask the General Assembly to support the Chambers' request for additional resources for 1999.

The Registry of the Tribunal has provided the support necessary for the successful expansion of the Tribunal's judicial and prosecutorial functions. It developed court management procedures necessary to operate three courtrooms, including assigning Defence counsel to indigent accused, supervising the Detention Unit and maintaining diplomatic relations with States, and was largely responsible for overseeing the growth of the Tribunal's infrastructure.

Of course, no international court of law can function without State cooperation and compliance. During the past year, the Tribunal has benefited from increasing cooperation and compliance, both from States and from international and multinational organizations. Most importantly, a number of States have begun to proactively support the Tribunal, both directly with logistical and financial assistance and indirectly through the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina — the Dayton Agreement.

Surrenders of indicted individuals from the territory of the Republic of Croatia and the Republika Srpska are the most visible signs of increased cooperation from the States and entities of the former Yugoslavia. The change in attitude of the Republika Srpska is of particular note, since in previous reporting periods that entity was unrestrained in its intransigence towards the Tribunal. For example, this improved environment allowed for the provisional release of one detainee following the receipt of a bail bond from the Republika Srpska and a guarantee that it would ensure that the detainee appear at the Tribunal for trial.

Unfortunately, in this general atmosphere of increased cooperation there is one significant holdout. This is the second point I will discuss. Twice in the past 10 weeks I have reported to the Security Council the non-compliance of the Federal Republic of Yugoslavia (Serbia and Montenegro). These reports concerned two issues: first, the failure of the Federal Republic of Yugoslavia to arrest and transfer indicted persons to the custody of the Tribunal; and secondly, the failure of that State to issue visas to investigators of the Office of the Prosecutor so that she might conduct investigations in Kosovo. Furthermore, my predecessor, Judge Cassese, reported to the Security Council the failure of the Federal Republic of Yugoslavia to execute arrest warrants for indicted persons believed to be in their territory, and in each of his four annual addresses to the Assembly, Judge Cassese raised this matter as being a continuing and major obstacle to the ability of the Tribunal to discharge its mandate.

Despite these reports, however, little has been done by the world community to address this problem. Not surprisingly, the apparent effect of this inaction has been to give the Federal Republic of Yugoslavia license to disregard, with impunity, its international obligations. The failure to address this non-cooperation in a meaningful way has emboldened the Federal Republic of Yugoslavia to unabashedly obstruct the Tribunal and, in the process, the will and explicit mandate given to it by the United Nations. Thus, the Federal Republic of Yugoslavia's actions, flouting international law, are an affront to the United Nations and the very principles underlying the establishment of this institution. Furthermore, these misdeeds are in direct contravention of express Security Council resolutions regarding events in Kosovo.

In resolution 1160 (1998) of 31 March 1998, the Security Council urged the Prosecutor of the Tribunal to begin gathering information related to the violence in Kosovo. On 23 September, in resolution 1199 (1998), the Council found that events in Kosovo constituted a threat to peace and security in the region. In that resolution, the authorities of the Federal Republic of Yugoslavia were obligated to "cooperate fully with the Prosecutor of the International Tribunal for the Former Yugoslavia in the investigation of possible violations within the jurisdiction of the Tribunal". Finally, less than a month ago, on 24 October, the Council adopted resolution 1203 (1998), which called for a prompt and complete investigation of all atrocities committed in Kosovo. Moreover, full cooperation with the Tribunal was required, "including compliance with its orders, requests for information and investigations".

My letter of 6 November 1998 to the Security Council stated:

> "I respectfully seek from the Security Council measures which are sufficiently compelling to bring the Federal Republic of Yugoslavia into the fold of law-abiding nations."

Two days ago, the Security Council adopted resolution 1207 (1998), having considered my letters of 8 September, 22 October and 6 November. It is significant that, acting under Chapter VII of the Charter of the United Nations, the Council condemned the failure of the Federal Republic of Yugoslavia to execute arrest warrants against the three individuals referred to in my letter of 8 September and demanded the immediate and unconditional execution of those warrants, including the transfer of those individuals to the custody of the Tribunal.

It is also significant that the Security Council called upon the authorities of the Federal Republic of Yugoslavia, the leaders of the Kosovo Albanian community and all others concerned to cooperate fully with the Prosecutor in the investigation of all possible violations within the jurisdiction of the Tribunal. Yet, for three years this State unabashedly failed and refused to execute these warrants. Moreover, in denying visas to the Prosecutor's investigators, it has stated that it will not accept an investigation by the Tribunal of events in Kosovo even though the Security Council has directed that cooperation be given the Prosecutor in this investigation.

I submit that the Federal Republic of Yugoslavia is, therefore, directly challenging the authority of the Security Council. I respectfully call upon the Assembly to state unequivocally that such action will not be countenanced, for it threatens to undermine everything that the United Nations stands for. I urge the Assembly to reaffirm those principles and ensure that no State — no State — will be permitted to violate with impunity its obligations under international law.

My third point relates to the role of the Tribunal in achieving peace and reconciliation. The Tribunal is a recognized and integral part of the peace process in the former Yugoslavia. The horrific crimes committed in the conflict were crimes committed by individuals against individuals. Yet, they are also crimes against humanity. Ultimately, the world community must hold accountable all those who planned, instigated, directed and carried out every aspect of these unspeakable crimes. To this end, the Tribunal is establishing for history a full and comprehensive record of the barbarity which consumed the former Yugoslavia.

In compiling this account, there must be respect for the principles of equality of all persons, the universality of justice and consistency in the application of the law. In upholding these principles, the Tribunal is the golden thread in the cloth of the peace process. If those of us who are in a position to act fail to take effective action to remove the cancer of criminality which stains every strand of that process, the cloth itself will unravel. If this happens, then the colossal resources which have been invested in rebuilding the region will have been wasted and the process of reconciliation will certainly fail.

In an effort to bring a greater understanding of the Tribunal to the people of the former Yugoslavia, last month we invited judges, lawyers, prosecutors and professors from the States and entities of the former Yugoslavia to The Hague. The Tribunal intends to build upon this effort. We will reach out and embrace not only those in the legal community, but all who value the rule of law. We will challenge those who try to undermine our contribution to the peace process. We will replace misinformation about the Tribunal with information about the Tribunal. We will build upon this beginning in establishing a continuing dialogue to discuss the important role which the Tribunal is playing in the process of bringing peace and reconciliation to the region. We will ensure that the Tribunal receives the respect it deserves from those for whom it was established and the international community at large.

We are not there, however. Therefore, a proposal to establish a Truth and Reconciliation Commission, although arguably acceptable in principle, is premature. Before such a commission is put into place, every effort should be made to strengthen the existing mechanisms of justice, rather than creating a new structure which could further hinder our ability to bring peace with justice to Bosnia and Herzegovina. The judicial process is best equipped to test evidence regarding the commission of horrific crimes, as well as to determine the causes of the conflict. The judges are unbiased. They do not have a stake in the conflict; they are the best qualified to determine responsibility.

I implore the Assembly to renew the commitment it so daringly made five years ago, and remind it that complacency in the face of evil and aggression today will only breed more of the same tomorrow. The recent violence and the humanitarian crisis in Kosovo make it evident that we are facing the very real prospect that the Balkans will again be consumed by an horrendous conflict.

Following the ravages of the Second World War, the Nuremberg Tribunal was created to put the world on notice that the international community would not allow such atrocities to go unpunished. Hence the phrase, "never again". Yet, again and again such barbarity comes back to haunt us. Without a firm renewal of the commitment to the important principles underlying the work of the Tribunal, those who would slay innocents make a mockery of our pledge, "never again".

This century has been the bloodiest in human history, Sadly, the world community has been schizophrenic in its response. Despite the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and numerous treaties proscribing such unlawful acts, international and non-international conflicts in which the targets are innocent civilians have occurred with alarming frequency and ferocity. We cannot stand by while such atrocities are committed. For if we do, surely we are as guilty as the perpetrators.

The heinous crimes committed by the Nazi regime were allowed to happen because many bystanders looked the other way. They knew what was happening, but they feigned ignorance. They did not want to know. It was easier and safer for them not to know. They knew and they did nothing. Ervin Staub, the author of "The Roots of Evil" writes that the real danger of all human rights violations is not the perpetrator, but the bystander — because he knows and he does nothing.

The international community must demonstrate, not merely with words but with deeds, its renewed commitment to transform the instruments prescribing international norms into effective tools of deterrence. It is worse to condemn behaviour and then tolerate it than to not condemn it at all. Not only is this an exercise in hypocrisy, but the effect is to render these instruments nothing more than aspirational statements — nothing more than "paper tigers".

Thus, I ask the Assembly: will you passively stand by and permit one State to flout the express directive of the United Nations? By omission, will you not become a participant? Or will you assert boldly and without reserve that the principles of peace and justice on which this Organization was founded a half century ago are worth more than the paper on which they are written? Will the aspirations and the expectations of those who support the international rule of law be given effect, or will one State be permitted to ignore its obligations with impunity?

We are truly at a watershed. The Tribunal lacks independent enforcement power to bring about compliance. We cannot accomplish our mission to help establish and maintain international peace and security in a region torn apart by artificially engineered hatred without the unequivocal support of the Assembly. Our accomplishments to date are subject to being overshadowed by the precedent that would be set if one State were permitted to ignore its internationally imposed obligations. Ignoring the Federal Republic of Yugoslavia's non-cooperation and non-compliance, which has escalated into blatant obstructionism, encourages other States to do likewise, inflicting a devastating blow to international law and to this institution.

The Tribunal has done everything within its power to achieve the purposes for which it was established. If we do not succeed, it will not be because the Tribunal has failed. If we do not succeed, it will be because the world community has failed the Tribunal. It will have been failed by the States that created it and on which it relies for its effectiveness, and the international community will have forsaken its commitment to the rule of law. To allow this would be the beginning of the end of the spirit of the Universal Declaration of Human Rights, and that would be a tragedy. The General Assembly has the power to send a message to the world that there is no conflict in commitment when it comes to human rights.

Now is the time to enforce the spirit of the Universal Declaration of Human Rights. We must not be bystanders. We must act, and protect those who cannot protect themselves. If we do not learn the lessons of our troubled history, then we are doomed to repeat them.

**Mr. Sucharipa** (Austria): I have the honour to speak on behalf of the European Union, on the fifth annual report of the International Tribunal for the former Yugoslavia. In addition, the Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated country Cyprus, as well as the European Free Trade Association countries members of the European Economic Area Iceland and Liechtenstein, align themselves with this statement.

The European Union would first like to thank the President of the International Tribunal for the former Yugoslavia, Ms. Gabrielle Kirk McDonald, for her comprehensive, very informative and engaged introduction of the report. We would like to congratulate her on her election to the presidency of the Tribunal. I am sure that her sense of awe in speaking before the General Assembly this morning would have been even greater had the Assembly Hall been filled with more delegations, as would have been appropriate to the importance of this agenda item.

Let me also express our gratitude to the former President, Mr. Antonio Cassese, for the tireless and competent leadership he provided during the Tribunal's important initial years.

Both through its analysis and through the details it provides, the report before the Assembly gives us a clear and complete picture of the activities of the Tribunal between 1 August 1997 and 27 July 1998. We congratulate the President, the judges, the Prosecutor and the other officers of the Tribunal on the important work they all have accomplished. The European Union would also like to express its appreciation for the contribution that the Netherlands, as host country, continues to make to the Tribunal's activities. The European Union is no less appreciative of the various important contributions, in money, in kind and in making available needed staff to the Tribunal, which other Governments have made during the period covered by the report.

As the report shows, at the end of its fifth year the Tribunal has made further progress. Through Security Council resolution 827 (1993) the international community established jurisdictional mechanisms to put an end to the situation of impunity enjoyed by too many perpetrators of serious crimes: breaches of international humanitarian law committed during the years of conflict in the former Yugoslavia. The proper functioning of the Tribunal is crucial for the full implementation of the peace accords in the former Yugoslavia and for their follow-up. With very few exceptions, which will be referred to later, States have established a good basis for cooperation with the Tribunal.

In that respect the European Union observes that, in the Tribunal's own opinion, the events and developments of the past year, as reflected in the report, have resulted in a fully fledged international criminal judicial institution with the infrastructure and the prosecutorial, judicial and administrative mechanisms required by its mandate. The past year has indeed been characterized by the unprecedented growth of the institution and its activities, thus demonstrating that, as the Tribunal puts it, "international criminal justice is an achievable goal" (*A/53/219, para. 276*). Moreover, the Tribunal has constituted an important precedent for the establishment of a general international criminal jurisdiction, which augurs well for the coming to life of the International Criminal Court created through the adoption of the Rome statute on 17 July of this year. Indeed, the work, the actual activity and the experience of the International Tribunal for Yugoslavia and of its sister institution, the Rwanda Tribunal, will provide a valuable source for the establishment of a system of rules, procedural and otherwise, which should make it possible to prosecute and punish, at the international level, serious violations of humanitarian law no matter where these crimes may occur or by whom they are committed. In this connection, one has to underline the importance of appropriate access to the Tribunal by victims and the importance of the protection of those victims.

The European Union welcomes the establishment by the Tribunal of a third Chamber. The judges who will serve in that Chamber were elected by the General Assembly on 16 October 1998. Furthermore, the Tribunal has reviewed its rules of procedure and evidence and has amended a significant number of them, adding several new rules. All this should facilitate and accelerate the work of the Tribunal.

A brief glance at the Tribunal's current administrative set-up shows that the infrastructure now in place can be regarded as sufficient and up to date. Two additional courtrooms were constructed, and the Tribunal occupied further additional space for its Registry. Although there may be a need for future expansion of the detention facility, the Tribunal is able to manage with the present installations. These installations are currently holding 27 detainees who have been indicted by the Tribunal.

As the Tribunal reports, since October of last year 19 indictees either have been apprehended or have surrendered to the Tribunal. However, when one looks at the detailed survey of the execution or non-execution of arrest warrants by States, entities and international organizations on the territory of the former Yugoslavia, which is contained in annex III of the report, it becomes evident that serious problems still persist as far as the active cooperation of the authorities in place on the territory covered by the Tribunal's judicial mandate and terms of reference is concerned. In a number of cases those authorities have taken no action at all on the specific requests and arrest warrants transmitted by the Tribunal.

Such lack of cooperation is clearly in violation of mandatory obligations under international law and must not be tolerated. While the Tribunal notes a certain increase in cooperation from the Republika Srpska, which resulted in the surrender of five indictees from its territory, the overall situation remains unsatisfactory. One blatant example is the continuing refusal of the Government of the Federal Republic of Yugoslavia to cooperate with the Tribunal by failing to arrest and transfer to the custody of the Tribunal three persons indicted by it, a matter which was raised by the President of the Tribunal in her letter dated 8 September 1998 addressed to the President of the Security Council (S/1998/839) and stated by her again so convincingly this morning when she introduced the Court's report. In this context, we do welcome the pronouncement of the Security Council last Tuesday, when it condemned in very clear terms the failure to date of the Federal Republic of Yugoslavia to execute those arrest warrants and demanded their immediate and unconditional execution.

As in the past, the European Union will refrain for reasons of principle from commenting on actual cases now before the Tribunal. Chapter II B of the report, on the Tribunal's judicial activities, contains detailed information in that regard. We wish to reiterate that in order to do its job impartially, the Tribunal must be totally independent of any political authorities. However, we have to stress again the need for unstinting cooperation by all States and all parties with the Tribunal to enable it to perform its duties satisfactorily. The corresponding duties of the authorities concerned extend not only to executing the Tribunal's arrest warrants, but also to facilitating its investigative activity by allowing entry of investigators and cooperating with them.

In the latter respect, the European Union notes that a serious issue has arisen as far as the Tribunal's role in response to recent events in Kosovo is concerned. International humanitarian law applies to the situation in Kosovo, and the Tribunal has a mandate to gather relevant information and evidence.

In recent letters addressed to the President of the Security Council, the President of the Tribunal has drawn attention to the fact that the necessary cooperation of the Government of the Federal Republic of Yugoslavia is not forthcoming. The European Union is thus deeply concerned about the decision of that Government to deny a delegation from the Tribunal the permission to conduct investigations in Kosovo. This decision is a clear case of non-compliance with the relevant resolutions of the Security Council and the recent Holbrook/Milosević agreement, which the European Union fully supports. The Union's position in that regard has been communicated to the authorities of the Federal Republic of Yugoslavia.

In this connection, the European Union recalls Security Council resolutions 1160 (1998), 1199 (1998) and 1203 (1998), which spell out the obligation of the Federal Republic of Yugoslavia to cooperate fully with the Tribunal in respect of Kosovo, including compliance with its orders, requests for information and investigations. The Union demands that the authorities of the Federal Republic of Yugoslavia stop preventing the Office of the Prosecutor from accomplishing its mission in Kosovo.

We express the hope that the necessary steps will finally be taken by the Belgrade authorities to enable the Tribunal, and in particular its Prosecutor, to carry out their mandate concerning Kosovo. This is not a matter of graciously according visas to the Prosecutor and her staff so that they may attend a symposium or similar events in Belgrade; it is a matter of mandatory cooperation with the Tribunal under article 29 of its Statute and of genuine compliance with clear-cut obligations under international law.

In conclusion, the European Union wishes to assure the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 of its full support. To achieve the purpose for which the Tribunal was created, the active cooperation of all Governments is needed. The European Union accordingly urges that such cooperation be forthcoming. The importance and the scope of this issue are well defined by the Tribunal itself in its final conclusion, a conclusion which holds equally true, if not to a larger extent, for the International Criminal Court and the Rome Statute adopted earlier this year. The European Union is in agreement with the Tribunal, when the latter at the end of its report states the following:

> "to support the nascent international order that the Tribunal epitomises, the process of law must be applied and must be upheld. In this, there should be no doubt, for in this there can be no doubt. The rule of law is not subject to expediency. The international community must see, must listen and must act if it is not to squander the extraordinary potential of [the Tribunal's] creation." (*A/53/219, para. 300*)

**Mr. Kolby** (Norway): Norway is impressed by the achievements of the International Tribunal for the Former Yugoslavia, as reflected in various judgements as well as the report before us. Recent judgements have shed light on the chain of events linked to the cycle of violence in the former Yugoslavia. We join those that have expressed the sincere hope that the activity of the Tribunal will contribute to deterrence against new atrocities, as well as to the long-term process of national reconciliation in the former Yugoslavia. Moreover, the judgements of the Tribunal represent important new building blocks in international jurisprudence with regard to the prosecution of the most serious international crimes. The experience obtained is also a stepping stone towards the establishment of the International Criminal Court in accordance with the Rome Statute adopted in July this year.

Norway fully endorses a role for the Tribunal in investigating and prosecuting international crimes perpetrated in connection with the tragic situation in Kosovo. We are deeply disturbed in this connection by the near total non-compliance by the Government of the Federal Republic of Yugoslavia with regard to the Tribunal and welcome the fact that the Security Council has now addressed the matter in its resolution 1207 (1998). The resolution deplores the continued failure of the Federal Republic of Yugoslavia to cooperate fully with the Tribunal and demands the immediate and unconditional execution of the arrest warrants against the three individuals who have been indicted for the alleged murder of 260 unarmed men following the fall of the city of Vukovar in November 1991.

While acknowledging signs of improved cooperation with the Tribunal, we are continuously reminded of the fact that the main perpetrators of atrocities committed in the former Yugoslavia still enjoy their freedom with the semblance of impunity. We wish therefore to emphasize that the international community must not waver in its long-term commitment to the fulfilment of the mandate of the Tribunal for the Former Yugoslavia. No one should gamble on impunity for acts of genocide, other crimes against humanity or serious war crimes.

Norway remains a strong supporter of the Tribunal and joins those that have appealed to States to take all legislative steps necessary under domestic law to ensure effective State cooperation with it. In addition to implementing legislation and ensuring compliance with the Tribunal's requests for assistance, States must also secure proper financial and material support. The Norwegian Government has declared among its measures its willingness to consider applications from the Tribunal concerning the enforcement of sentences from the Tribunal and subsequently, in conformity with our national law, to receive a limited number of convicted persons to serve their time in Norway. We encourage many more States to prove their continued commitment to the work of the Tribunal through concrete action.

**Mr. Šimonović** (Croatia): Croatia assigns particular importance to the role of the International Criminal Tribunal for the Former Yugoslavia. The Tribunal has a special part to play in achieving justice for the victims and bringing about the conditions for lasting peace and stability in the region. In this context, I would like to thank the President of the Tribunal, Judge McDonald, for her comprehensive report and for all her efforts to make the Tribunal an effective and independent institution which seeks to fulfil its mandate in an efficient manner. The Tribunal will continue to have the full support of the Croatian Government.

The Republic of Croatia considers the prosecution of war crimes to be not only a legal but also a political and moral duty. Indeed, it was the Republic of Croatia which sought from the Security Council the establishment of the Tribunal as early as 1991. Croatia was also among the first countries, and so far one of only 20, to enact implementing legislation so as to institutionalize its cooperation with the Tribunal. A Tribunal Liaison Office is operating in Zagreb as well as a special Government office tasked with coordinating cooperation with the Tribunal. In this context, my Government is pleased that the present report positively assesses Croatia's cooperation.

The President of the Tribunal has drawn attention to the fact that the number of indicted persons in the custody of the Tribunal has risen threefold in the past year. This certainly is significant and welcome progress. Nevertheless, there are fewer grounds for optimism when one looks more closely at who is actually in custody.

Crimes are committed by individual perpetrators and not by an ethnic group or a nation. Every crime, no matter the ethnicity of the perpetrator, must be examined on its own merits, in accordance with the available evidence and the applicable law. However, due to the magnitude of the crimes committed, time constraints and the scarcity of other resources available to the Tribunal, it cannot prosecute all of the numerous perpetrators of war crimes. Rather, it has to carry out its work in a selective manner. Therefore, if a selective approach is unavoidable, the cases brought before the Tribunal must at least be representative. For both moral and political reasons and for the historical record, they have to reflect the extent and the level of involvement of the various sides in the war crimes committed, through the exercise of prosecutorial discretion.

Unfortunately, to date, prosecutorial discretion has not been successfully exercised in this way. In this regard, one cannot overlook the glaring fact that to date no one has been indicted for the well-documented crimes targeted specifically against Bosnian Croats. This deficiency seriously undermines the very objectives of the Tribunal: justice, a truthful account of what took place during the conflict, and, ultimately, healing and reconciliation.

Although more representative of the responsibility of members of various groups for war crimes than last year, the breakdown of the indictees in custody is still far from satisfactory. Bosnian Croats and Muslims constitute the majority of the persons in custody, despite the fact that they belong to ethnic groups which were predominantly the victims, rather than the perpetrators, of war crimes. This striking paradox can primarily be attributed to the lack of cooperation of the Federal Republic of Yugoslavia and the Republika Srpska authorities with the Tribunal, and the lack of determination on the part of the Security Council to support the Tribunal it has created, by means of enforcement measures, if necessary.

Croatia cannot accept the fact that those indicted for the crimes committed in Vukovar exactly seven years ago, namely, Mrksic, Sljivancanin and Radic, remain beyond the Tribunal's reach. The process of reconciliation hinges upon bringing them to justice. The same could be said in respect of Martic, Karadzic and Mladic, and others as well.

Can the responsibility for the failure to accurately reflect the responsibility for war crimes committed and to arrest the indicted perpetrators be attributed to the Tribunal alone? No, especially not following the recent letters of the President of the Tribunal to the Security Council — S/1998/839, S/1998/990 and S/1998/1040 — seeking its support to fulfil the Tribunal's mandate by bringing indicted war criminals into custody. The burden of responsibility for an efficient and effective functioning of the Tribunal, after these letters, rests with the Security Council.

In this respect, Security Council resolution 1207 (1998), adopted a few days ago, is encouraging. My delegation hopes that the decision to adopt the resolution under Chapter VII of the United Nations Charter and to further monitor its implementation reflects the new commitment of the Council to protect the authority and credibility of the Tribunal and of the Council itself.

The efficiency of the International Criminal Tribunal for the Former Yugoslavia has an importance transcending this ad hoc Tribunal, since it sets a precedent for the International Criminal Court.

Let me conclude with a question. If the Tribunal, which was created and has been supported by the enforcement power of the Security Council, is not efficient, then how can we expect efficiency from the International Criminal Court, which will be based upon the acceptance of the parties of a multilateral treaty?

**Mr. Abdel Aziz** (Egypt) (*interpretation from Arabic*): I should like at the outset to thank Judge Gabrielle Kirk McDonald, President of the International Criminal Tribunal for the Former Yugoslavia, for the report she introduced today. In that report, she dealt wisely and efficiently with the achievements of the Court during the previous period, on one hand, and the problems encountered by the Court during its work and its approaches to those problems on the other.

Before commenting on her statement to the Assembly today and on the report which is before us, I should like to convey our gratitude to the highly esteemed judges who constitute the Tribunal and its the three Trial Chambers for their consistent and outstanding efforts in difficult circumstances permeated by practical challenges.

As the Assembly takes up the problems facing the Tribunal, these should be divided in two categories. The first category relates to the financial and logistical support for the work of the Tribunal enabling it to undertake its tasks efficiently. This support should include providing the Tribunal with the appropriate number of qualified judges who would dispose of the cases expeditiously, together with the requisite linkage that should exist between this Tribunal and the International Criminal Tribunal for Rwanda. This is due to the complementarity of the Chambers of the two Tribunals as regards their caseload. In addition, there is a need to have in place an efficient communication system which aims at linking the two Tribunals so that cases can be expedited.

The support that I mentioned requires the United Nations, particularly the General Assembly, to consider an increase in the Tribunal's budgetary resources, especially after the establishment of an additional Trial Chamber. It also requires Member States to make generous contributions to support the Tribunal's budget and, consequently, to strengthen its work so that the perpetrators of barbaric crimes can be prosecuted. The delegation of Egypt associates itself with the appeal to all States to make generous voluntary contributions to strengthen the Tribunal's work. My delegation promises that my Government will provide as much as it can of the necessary financial and political support so that the Tribunal can carry out its responsibilities with the efficiency which we all hope for.

Since we are talking about substantive problems encountered by the Tribunal, we would like to express our regret at the continuing non-cooperation of the Federal Republic of Yugoslavia and the Republika Srpska with the Tribunal. All statistics prove that Bosnia and Herzegovina and Croatia are cooperating with the Tribunal as much as they can, while the Federal Republic of Yugoslavia, not content with its non-cooperation, also tries to limit the Tribunal's credibility and its ability to get work done. This is clearly shown by the letter sent to the President of the Security Council by the President of the International Criminal Tribunal for the Former Yugoslavia for 1995 and 1996. It is even better demonstrated by the letters from the current Tribunal President, Judge McDonald, to the President of the Security Council on 8 September 1998, 22 October 1998 and 6 November 1998, all of which reveal a number of Yugoslav violations with regard to their obligations to cooperate with the Tribunal in accordance with Security Council resolutions and the Dayton Agreement.

The work of the Tribunal had previously been obstructed by Yugoslavia's collusion with the Republika Srpska in not apprehending either Karadzic or Mladic, who are the subject of international arrest warrants. On the contrary, the candidacy of these two individuals for the presidency of the Republika Srpska was supported. This was followed by the failure to detain three individuals who have been accused of killing 260 innocent civilians after the fall of Vukovar in 1991. The Republika Srpska has supported these individuals, paying them salaries so that they can escape the Tribunal.

These are just a few examples of the total refusal of the Federal Republic of Yugoslavia to cooperate with the Tribunal. To prove that these flagrant violations are just examples of this general trend, I will mention that the Federal Republic of Yugoslavia has not taken the necessary steps with regard to its domestic law to implement paragraph 4 of Security Council resolution 827 (1993) and the Statute of the International Tribunal, which sets forth the need to enact national legislation to facilitate cooperation with the Tribunal. This trend is not only indicative of the defiance by the Federal Republic of Yugoslavia of the resolutions of the Council and of the Tribunal's Statute; it is also a flagrant violation of its commitments, under the Dayton Agreement, to cooperate fully with the Tribunal. This puts the Federal Republic of Yugoslavia in a position which may threaten international peace and security, requiring decisive intervention by the Security Council to force it to cooperate.

Another matter which causes us great anxiety is that the agreements concluded with regard to the situation in Kosovo did not explicitly oblige the Federal Republic of Yugoslavia to cooperate with the Tribunal in the manner implied in resolutions 1160 (1998) and 1199 (1998). What heightens our concern further are the statements made by the President of the Republika Srpska to the effect that no person shall be prosecuted in State courts for crimes related to the present conflict in Kosovo, except for crimes committed against humanity and international law. These statements make no mention of the jurisdiction of the International Tribunal, which shows that this is a covert attempt by the Republika Srpska and the Federal Republic of Yugoslavia to evade the Tribunal's jurisdiction applicable to them both.

When it adopted resolution 1207 (1998), the Security Council, acting under the authority of Chapter VII of the Charter, took note of the danger inherent in this situation and of the need to adopt a clear-cut position with regard to it. But the resolution, while it condemns the failure of the Federal Republic of Yugoslavia to cooperate with the Tribunal, lacks basic elements which we view as constituting important pressure points vis-á-vis the Federal Republic of Yugoslavia. The most important of these missing points is the authorization for the Stabilization Force and the International Police Task Force to arrest individuals for whom arrest warrants have been issued or against whom specific charges have been made so that they could be prosecuted by the Tribunal.

Cooperation with the Tribunal is an integral part of the peace process in the Balkans, and we should not slacken our efforts in this regard. The Security Council, when it deals with this subject, should not succumb to any pressure to coerce it into accepting less than the fullest commitment by all the parties concerned, especially the Federal Republic of Yugoslavia and the Republika Srpska, to cooperate fully with the Tribunal, in good faith and in a manner which would enable to Tribunal to achieve its objectives in fostering peace and security in the Balkans.

**Mr. Mochochoko** (Lesotho): The underlying reasons for building institutions whose objectives are to dispense international criminal justice were captured by President Clinton when he said:

> "We have an obligation to carry forward the lessons of Nuremberg. Those accused of war crimes, crimes against humanity and genocide must be brought to justice. They must be tried, and if found guilty, they must be held accountable. There must be peace for justice to prevail, but there must be justice when peace prevails."

In 1993, when the international community decided to establish the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, it reaffirmed its commitment to the principles of peace and justice. Today, as we consider the fifth report of the International Criminal Tribunal for the Former Yugoslavia, we are gratified to note that the Tribunal has made significant progress towards achieving the goals for which it was set up: dispensing justice to the victims of atrocities in the former Yugoslavia, preventing further abuses of international humanitarian law and preserving the historical memory of those atrocities.

Five years ago, sceptics were unanimous in declaring that the International Criminal Tribunal would never see the light of day. We hear the same arguments with regard to the International Criminal Court today. The question was asked: if the ad hoc Tribunals do not work, if they are mismanaged, if they do not achieve the voluntary surrender or apprehension of indictees, if they do not achieve transfer of indictees to the headquarters of the tribunals, if they do not achieve convictions or acquittals and fair trials, then what is to lead us to believe that a permanent international criminal court could do a better job? The two pioneer Tribunals for the former Yugoslavia and for Rwanda continue to show that the international community's resolve to build institutions worthy of the United Nations and to dispense international criminal justice remains unshaken.

The report before us today provides answers. It reveals an increase from 9 to 29 in the number of indictees since the last report, the voluntary surrender of indictees as the Tribunal's net closes around them, the surrender of indictees by States that in the past have been particularly intransigent to the Tribunal, and guilty pleas by some of the accused. In other respects as well the facts speak for themselves. Among the notable successes highlighted by the report are the increase in the Tribunal's trial and pre-trial activities, the increased and improved activities of the Office of the Prosecutor in its investigations and prosecution, the improvements in the management and administrative capacities of the Registry and the construction of two additional courtrooms. All of these developments leave no doubt that the Tribunal is now fully equipped to dispel fears that international criminal justice can never be achieved.

Who could have predicted that a Tribunal which a mere five years ago was in its infancy with 11 newly elected judges, thousands of victims seeking redress, no premises of its own, no staff, no budget and no courtroom could today boast of having only a few metres to go on its last lap to develop its capacity to play the momentous role for which the international community set it up?

I wish to focus on an issue of critical importance for the success of the Tribunal, an issue which will no doubt be equally critical for any future permanent international tribunal, and that is States' cooperation. In the context of the International Criminal Tribunal for the Former Yugoslavia, the Dayton Accord requires all parties to cooperate fully with investigations and prosecution of war crimes and other violations of international humanitarian law. In particular, article 29 of the Statute of the Tribunal imposes a similar duty on all members of the international community to comply without delay in the arrest or detention of persons indicted for war crimes and the surrender or transfer of the accused to the International Tribunal. The cooperation of the States of the former Yugoslavia remains particularly imperative, as without such cooperation it will be difficult, indeed impossible, to bring the accused to The Hague for trial.

Even though over the years the international community has failed to fully honour its obligations to the International Tribunal, recent developments indicate a readiness, particularly on the part of some of the major players, to cooperate with the Tribunal. We commend the efforts of the Peace Implementation Council, and we welcome the cooperation extended to the Tribunal by Prime Minister Dodik of the Republika Srpska and the Stabilization Force (SFOR). The need for continued assistance by the Stabilization Force, as well as involvement of the Implementation Force (IFOR), cannot be overemphasized.

It is unfortunate, however, that some of the most important figures who masterminded the mass killings of innocent civilians and who have been indicted by the Tribunal still remain in control of both the political and military forces in the region. It is particularly reprehensible that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) has to date failed and/or refused to transfer three well-known indictees to the International Criminal Tribunal and has refused to cooperate with that body, in violation of the Dayton Agreement, the United Nations Charter and the relevant Security Council resolution. The time has come for the international community, through the Security Council, to be proactive and use the means at its disposal to force compliance and to arrest all remaining indictees. While we commend recent Security Council resolution 1207 (1998), condemning these failures and reiterating the Council's call for the Federal Republic of Yugoslavia to fully cooperate with the Prosecutor, we urge the Council to take decisive action to ensure that the Federal Republic of Yugoslavia does not continue to be a haven for fugitives from international law. The repeated call for all States to bring their domestic laws into conformity with their obligations towards the Tribunal, in accordance with Security Council resolution 827 (1993), must be given the seriousness it deserves.

We cannot but agree with the assessment in the report that the Tribunal still has much to do before it can be credited for successfully meting out justice for the victims of massacres in the former Yugoslavia. We trust that the international community will continue to give the Tribunal the necessary financial and other resources to enable it to carry out its functions. In this regard, we congratulate the newly elected judges who are about to join the Tribunal. They take up their important responsibilities at a particularly critical juncture, when the Tribunal is becoming inundated with indicted persons, a time when additional responsibilities have been given to the Tribunal for prompt and complete investigation of all atrocities committed in Kosovo and a time when the Tribunal has to redouble its efforts to effectively fulfil the mandate entrusted to it.

We commend the Tribunal for formulating new procedures that will enable it to better regulate proceedings at the pre-trial stage, with a view to conducting trials more expeditiously. We trust that care has been taken to ensure that the amended procedures remain sufficiently rigorous to protect suspects from groundless charges, while also imposing a reasonable burden on the Prosecutor.

In conclusion, my delegation commends Judge McDonald for the enlightening report and for her untiring efforts and leadership of the Tribunal. We also commend the skilled and dedicated team of judges and staff of the Tribunal for their hard work under trying circumstances. The continued support of the Government and people of the Netherlands has enabled the Tribunal to develop and function efficiently, and we thank them for their support and cooperation.

**Ms. Baykal** (Turkey): Ending conflict and human suffering and then achieving peace without sacrificing justice constitute the most fundamental objective of humankind. Although the signing of the Dayton Peace Agreement and its imperfect implementation brought about peace and ended human suffering in the territory of former Yugoslavia, justice has not prevailed fully. In this context, the successful functioning of the International Criminal Tribunal for the Former Yugoslavia is imperative for the full implementation of the Dayton Peace Agreement, as well as for the establishment of lasting peace in Bosnia and Herzegovina.

I would like to thank the President of the Tribunal, Judge Gabrielle Kirk McDonald for her enlightening and informative presentation of the fifth annual report of the Tribunal. We are glad that the developments during the period from 1 August 1997 to 27 July 1998 show significant progress by the Tribunal in fulfilling its mandate. In this reporting period, 19 new accused persons have either been arrested or have surrendered voluntarily.

Progress by the Tribunal in fulfilling its mandate depends on the cooperation of the States and the entities which are within its jurisdiction. In this context, we welcome the cooperative approach demonstrated by the two States — namely Bosnia and Herzegovina and the Republic of Croatia. We take note of the fact that there was a sign of increased cooperation from the Republika Srpska this year. However, 31 indictees remain at liberty, the great majority of whom are believed to be on the territory of Republika Srpska or in the Federal Republic of Yugoslavia (Serbia and Montenegro).

The International Criminal Tribunal for the Former Yugoslavia has a workload that has increased dramatically this year. The number of accused in custody has more than tripled, the trial activity has increased and the Office of the Prosecutor has initiated an investigation into the events in Kosovo as well. The Security Council, in its resolution 1160 (1998) of 31 March 1998, requested the Prosecutor to begin gathering information related to violence in Kosovo that may fall under the Tribunal's jurisdiction. We fully support the Prosecutor's investigation into the violent incidents in Kosovo and hope that the perpetrators of these heinous acts will be brought to justice in a speedy manner. We would like to express our regret at the uncooperative attitude displayed earlier by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) regarding the visa applications of the members of the Tribunal.

In this respect, we support the main thrust of Security Council resolution 1207 (1998) adopted two days ago, on 17 November, which deplores the continued failure to cooperate of the Federal Republic of Yugoslavia (Serbia and Montenegro). However, we would have preferred to have stronger language demanding compliance from that State, in accordance with its obligations under the Dayton Peace Agreement.

Taking into account the increase in the workload of the Tribunal because of the developments above, three judges were elected by the General Assembly to serve in the new Trial Chamber. We congratulate the newly elected judges.

On the whole, we appreciate the work done by the Tribunal and recognize its crucial difficulties — as indicated by the President herself this morning — the most important one being the need to apprehend the military and political leaders who were indicted and who are still at large. Therefore, despite numerous accomplishments, the Tribunal, through no fault of its own, remains a partial failure. We are still most disappointed by the fact that while we have a fully functional Tribunal in The Hague, enjoying the full support of the international community, the military and political leaders responsible for grave violations of humanitarian law and the acts of ethnic cleansing in Bosnia and Herzegovina remain free.

If justice is achieved in time, the wounded conscience of the people who have suffered can heal, once and for all, and lasting peace thus can be established.

*Mr. Ka (Senegal), Vice-President, took the Chair.*

**Mr. Niehaus** (Costa Rica) (*interpretation from Spanish*): My delegation is participating with particular interest in the discussion of agenda item 48 on the report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

The Tribunal was established six years ago last May. Those six years have been a historical period for international law and, in particular, for the international administration of justice. Since its establishment, the Court has achieved highly positive results. It has defined its Rules of Procedure, it has heard a small but important number of cases and progress has been made in its institutional and administrative consolidation.

The work of that body has been of far-reaching importance to the development of international humanitarian and human rights law. Its jurisprudence has become an authoritative interpretation of customary international law and a driving force in the progressive development of these issues in areas in which there are still gaps or imprecisions. We are particularly pleased with the progress achieved in the definition of the Rules of Procedure and in practice relating to the protection of victims and witnesses, as well as in the correct interpretation, characterization and classification of offences committed against women and girls.

In this regard, Costa Rica feels it important to stress that the work and very existence of the Tribunal gave significant momentum to the negotiations that culminated in the creation of the International Criminal Court. There is no doubt that this new body reveals the existence of a growing awareness within the international community of the need to repudiate and prosecute the most serious crimes against humanity. My country takes this opportunity to reaffirm its view that, in contrast to the new Court, the special tribunals set up by the Security Council are merely temporary and ephemeral placebos, whose role is confined to exceptional emergency situations in which a genuine threat exists to international peace and security.

Justice is an essential component of peace and reconciliation. We cannot speak of reconciled post-conflict societies so long as impunity persists and until the truth is brought to light and the perpetrators of the most horrible atrocities are punished. In this context, my country is firmly convinced that the persistence of impunity in the former Yugoslavia undermines the process of peace-building and reconciliation by inciting the victims to vengeance and bolstering the arrogant pride of the aggressors.

We are firmly convinced that the lack of cooperation with the Tribunal on the part of some Governments, local authorities and international entities should be absolutely rejected by the international community. It is vital for the authorities of the Republika Srpska, the Federation of Bosnia and Herzegovina and the Federal Republic of Yugoslavia to fulfil their international obligations in this regard. It is vital for those authorities, without procrastination or excuses, to arrest and extradite to the Tribunal the indicted persons on their territory. Those arrests can no longer be postponed. In the same vein, Costa Rica calls attention to the vital need for those authorities to cooperate with evidence-collection activities and to provide every means to facilitate the deposition of witnesses. Furthermore, all possible suspects of crimes that are not subject to trial by the International Tribunal should be brought to trial by those authorities. The existence of The Hague Tribunal in no way exempts these national or local authorities from their duty to administer justice and punish the perpetrators of these crimes.

On another point, I must say that my delegation takes note with particular attention of the contents of the report of the President of the International Tribunal on that legal body's administrative and financial situation. Costa Rica takes this opportunity to reaffirm that the Tribunal's important work requires more resources and more staff. The Organization's financial authorities and our representatives on the Fifth Committee should make a greater effort to ensure that the Tribunal can rely on the requisite and sufficient resources to guarantee the validity of the principle of prompt and due process.

In conclusion, I take this opportunity, before the highest political forum of the United Nations, to reiterate Costa Rica's resolute support for the International Tribunal on the Former Yugoslavia, whose defining and pioneering work is an example of great juridical — and above all ethical and moral — dedication and commitment to the cause of peace, reconciliation and combating impunity.

**Mr. Hasmy** (Malaysia): At the outset, my delegation wishes to extend its profound appreciation to the President of the International Tribunal for the Former Yugoslavia, Justice Gabrielle Kirk McDonald, and to her team of dedicated judges and officials for the efforts they have exerted in carrying out the responsibilities of the Tribunal. We are particularly grateful for the comprehensive annual report of the Tribunal that has been submitted to this Assembly in document A/53/219. We also thank Justice McDonald for her very clear presentation today. My delegation fully shares the interests of other members of the international community in the work of the Tribunal and has closely studied the report before us.

At the same time, we would like to take this opportunity to express our happiness that the Tribunal is now able to function fully with the necessary support and assistance of the international community in terms of facilities and other resources. My delegation welcomes the establishment of the third Trial Chamber of the Tribunal in accordance with Security Council resolution 1166 (1998). We also offer our sincere congratulations to the new members of the Tribunal who were successfully elected by the General Assembly recently. We are confident that they will be able to join the other members of the Tribunal in applying their knowledge, skills and experience to fully discharging their functions and responsibilities in accordance with the mandate of the Tribunal. We also welcome the recent judgements made by the Tribunal.

Malaysia remains convinced that the work of the Tribunal will provide an important contribution towards the restoration of peace and stability in the former Yugoslavia. The Tribunal continues to carry out the formidable tasks entrusted to it by the international community to bring to justice the perpetrators of war crimes and crimes against humanity committed in the territory of the former Yugoslavia since 1991. The success of the Tribunal in implementing these important tasks will go a long way towards serving the cause of justice and contributing to the restoration of peace and stability in the countries of the former Yugoslavia, in particular Bosnia and Herzegovina. We firmly believe that justice must be done for the victims of the horrendous crimes of genocide and ethnic cleansing to buttress reconciliation efforts in Bosnia and Herzegovina and elsewhere in the former Yugoslavia.

My delegation is pleased to note that during the reporting period substantial improvement has been made with respect to compliance with obligations under international law and the enforcement of the Tribunal's orders. This improvement is measured by the threefold increase in the number of indictees that have been brought into the custody of the Tribunal.

My delegation notes with serious concern, however, that 31 indictees still remain free, despite the fact that some of them were indicted almost four years ago. We have always emphasized the need for all the parties involved in the implementation of the Dayton Peace Agreement to extend their full cooperation to the Tribunal. The persistent and continuing rejection of Tribunal orders by certain parties, principally the Federal Republic of Yugoslavia (Serbia and Montenegro), to execute arrests of the indicted war criminals residing in its territory should not be further tolerated. The continuing refusal by the Federal Republic of Yugoslavia to take necessary steps to surrender the indicted war criminals would have far-reaching consequences. Such a blatant attitude of non-compliance and, indeed, obstruction on the part of the Federal Republic of Yugoslavia clearly undermines international law and the relevant Security Council resolutions.

My delegation fully supports the position taken by the Security Council in its resolution 1207 (1998) on 17 November 1998. We condemn the failure of the Federal Republic of Yugoslavia to execute the arrest warrants issued by the Tribunal against the three individuals referred to in a letter from the President of the Tribunal to the President of the Security Council dated 8 September 1998.

My delegation also expresses its serious concern over the fact that two major indictees, Radovan Karadzic and Ratko Mladic, have remained at large, despite being indicted twice already as well as being served with an international arrest warrant. We call upon those concerned to make every effort to ensure that they are brought to justice. It is imperative that the provisions of Security Council resolution 827 (1993) and the statute of the Tribunal be fully implemented.

My delegation hopes that the multinational force in Bosnia and Herzegovina will continue to play its crucial role in assisting the Tribunal in carrying out its mandate. We are pleased to note that there has been a productive working relationship between the Tribunal and the Stabilization Force (SFOR) as well as the United Nations International Police Task Force (UNIPTF) in this regard. Such constructive cooperation should be further enhanced. We believe that SFOR, the IPTF and the Tribunal could complement each other's roles for the achievement of the common objective of restoring peace and security and serving the cause of justice in the region.

My delegation believes that the Tribunal should also be in a position to investigate possible violations of international humanitarian law in Kosovo. We therefore welcome the Security Council's decision to authorize the Tribunal to carry out such investigations on cases that fall under its jurisdiction. In this regard, we appeal to the concerned parties to extend their full cooperation to the Tribunal.

The international community must ensure that justice will be served to the satisfaction of, first, those individuals and their families who have suffered due to the heinous and brutal crimes committed against them in Bosnia and Herzegovina and other parts of the former Yugoslavia and, secondly, the international community as a whole. Crimes against humanity, as well as acts of genocide and ethnic cleansing, should not be allowed to go unpunished. The Tribunal deserves the strong support of the international community. Malaysia will provide the necessary support and assistance within its means.

**Mr. Shin Kak-soo** (Republic of Korea): Since the end of the cold war, we have witnessed the frequent outbreak of internal wars. Serious violations of international humanitarian law are putting human security in grave danger. My Government firmly believes that a judicial organ designed to dispense international criminal justice serves as an effective means to stop and prevent such horrendous crimes.

When the International Criminal Tribunal for the former Yugoslavia was established in 1993, many viewed the establishment of the Tribunal with scepticism, fearing a potential impediment to political negotiations aimed at resolving the conflict. Convinced that there could be no lasting peace without justice, those committed to the creation of this Tribunal overcame mistakes and mishaps that arose from the complex and difficult nature of this venture and successfully brought the Tribunal into operation.

Five years later, the ideals of the advocates for the International Criminal Tribunal for the former Yugoslavia have proved to be right. The presence of the Tribunal has not posed any obstacles to the conclusion and implementation of the Dayton peace accord. Rather, the Tribunal's prosecution and punishment of offenders of egregious crimes, such as genocide, crimes against humanity and war crimes, created a sense of justice conducive to reconciliation among the parties embroiled in that tragedy. The work of the Tribunal has also served to get rid of the culture of impunity still haunting that war-torn region and will thereby have a deterrent effect against the future recurrence of such serious violations in the region.

Against this backdrop, my delegation notes with satisfaction the remarkable progress made last year in the Tribunal's work, as presented in its fifth annual report, contained in document A/53/219. In this connection, we commend the President, Judge McDonald, and other members and staff of the Tribunal for their tireless efforts to cope with the increased volume of work.

My delegation welcomes the threefold increase in the detention of accused persons as a sign of the growing effectiveness of the Tribunal, though many important accused persons are still at large. Thanks to the growing number of voluntary surrenders, active uses of sealed indictment, robust pursuit by the Stabilization Force of indictees and increased cooperation of the States and entities of the former Yugoslavia, this drastic increase was made possible. The arrest of other important indictees still at liberty should be sought relentlessly in order to demonstrate that justice is brought to main culprits too. In this connection, my delegation strongly urges the States and entities of the former Yugoslavia, in particular the Federal Republic of Yugoslavia, to cooperate fully with the Tribunal to execute arrest warrants issued by it without further delay.

As indicated in the annual report, it is also encouraging that the Tribunal's administrative infrastructure has been strengthened to support its expanded activities. The addition of the Third Chamber this year is expected to lessen the burden of the Tribunal, whose docket has already reached full capacity for its second four-year judicial term. The amendments to the rules of procedure and evidence are also opportune for accommodating the increased demand of trials. In addition, we hope that the Tribunal will be vigilant of the efficient use of its huge budget, now totalling almost $62 million.

My delegation is pleased at the prospect of enabling the Prosecutor to return to the past level of investigative activities, which were scaled down by the redeployment of staff from investigation to trial preparation. In view of the likelihood of forfeiting evidence with the passage of time, an appropriate level of investigation should be sustained. In particular, the Prosecutor's decision to investigate violence in Kosovo was quite momentous in the light of the flagrant violations of international humanitarian law reportedly taking place there. As endorsed by the Security Council in resolution 1207 (1998), adopted last Tuesday, the Tribunal is vested with the territorial and temporal jurisdiction over crimes falling under its statute that were committed in Kosovo. We are convinced that active investigations by the Tribunal will contribute to preventing further violence in Kosovo.

Let me now turn to the significant role of the Tribunal for the Former Yugoslavia in the quest for a permanent international criminal court. After four years of tough negotiations, the Rome Diplomatic Conference adopted the Statute of the International Criminal Court (ICC) last July, with the overwhelming support of the participating countries. Thus, we are now entering into a second stage of the establishment of the ICC. Next year, the Preparatory Committee will embark on the preparation of proposals for practical arrangements for the establishment of the Court, including its draft rules of procedure and evidence.

Despite some fundamental differences in the legal basis and power of the two judicial organs, the record of the Tribunal for the Former Yugoslavia serves as a useful guide in the preparatory process for the ICC. This was already demonstrated when the Preparatory Committee prepared the final text of the draft Statute for the Rome Diplomatic Conference. My delegation looks forward to the Tribunal's continued contribution to the work of the Preparatory Committee.

One of the most important contributions of the Tribunal for the Former Yugoslavia must be the accumulation of precedents for the upcoming permanent Court. Together with the International Criminal Tribunal for Rwanda, the Tribunal will provide an abundant source of case law for the ICC, whose actual operation is expected to begin several years from now. The ICC can start its work as a continuation of the two ad hoc Tribunals; their judgements will help the ICC in both the substantive and procedural aspects of the exercise of its judicial function.

Let me cite a few examples. From the viewpoint of substantive law, the judgement of the Appeals Chamber in the Erdemovic case on the role of duress in the commission of crimes will be a useful precedent for the ICC to interpret and apply the relevant provision of its Statute. From the viewpoint of procedural law, the judgement of the Trial Chamber in the Blaskic case on the value of hearsay evidence will be another good example. Therefore, the Tribunal will assist the Court in averting difficulties that might arise from the paucity of precedents.

My Government has attached great importance to the successful operation of the Tribunal for the Former Yugoslavia, since it not only contributes to the promotion of the rule of law in international relations but serves the establishment and consolidation of peace in the long run. The international community's long-cherished goal of establishing international criminal justice is now within reach. Moreover, the norms of international humanitarian law that had remained in the realm of academic research are gaining practical meaning. However, the future of this new endeavour hinges on the will of the entire international community to ensure that the rule of law will prevail. Given the absence of its own enforcement arm, the cooperation and assistance of States is indispensable for the Tribunal's fulfilment of its mandate. Reaffirming our full support for the Tribunal, we hope it will make steady progress in its work.

**Mr. Akbar** (Pakistan): Allow me to begin by expressing our delegation's deep appreciation to Judge McDonald for her leadership and for her lucid presentation and preparation of the fifth annual report of the International Tribunal for the Former Yugoslavia. We would also like to pay tribute to her predecessor, Judge Antonio Cassese, for his pioneering role in the initial years of the Tribunal's establishment.

In the short period of its existence, the Tribunal has emerged as a full-fledged international criminal judicial institution. We are pleased to note the growing satisfaction within the Tribunal about the reinforcement of its capacity to achieve its defined objectives, which are so crucial to the international community. The relevant committee of the General Assembly should continue to pay due attention to the Tribunal's needs. During the period under review, the General Assembly took further steps to strengthen the Tribunal's structure by electing three additional Judges to the Tribunal for a Third Chamber. The Tribunal has also taken steps to reach out to the general public. The Tribunal's home page on the World Wide Web has been disseminating information for over a year, and we appreciate that the Tribunal is consistently working to improve this link with the people of the world who keenly follow its work.

We also take this opportunity to express our condolences on the sad death of Judge Haopei Li of China.

We share the view of the Tribunal that the international community cannot allow it to fail. The Tribunal says in its report,

> "For the abused, forgiveness is possible only when they know, and exceptionally, understand, the reasons for their suffering. For the abusers, forgiveness is possible only when they accept accountability." (*A/53/219, para. 285*)

Although the Tribunal has moved along that path and has a sufficiently full docket to ensure the completion of a second four-year judicial term, its task of bringing the abusers to accountability is difficult, and the responsibilities that it has to fulfil continue to be undermined by the constraints upon its functioning. The question of State cooperation is crucial to the Tribunal's success. Obtaining evidence is an equally critical aspect of the work of the Tribunal, which it cannot perform without the cooperation of States.

According to the Tribunal's report, 31 accused persons remain at large. These include the horrendous perpetrators of genocide and ethnic cleansing in Bosnia and Herzegovina, namely, Radovan Karadzic and Ratko Mladic. This is a continuing challenge to the conscience of mankind. In a letter dated 8 September, the President of the Tribunal also reported on the continuing refusal of the Government of the former Yugoslavia to cooperate with the Tribunal by failing to arrest and transfer to its custody three indicted persons. These men were indicted on 7 November 1995 for the murder of 260 unarmed men following the fall of Vukovar in November 1991. Since then, the three individuals have remained at liberty, allegedly residing in Serbia. The Federal Republic is the only signatory to the Dayton Agreement that has neither adopted legislation to facilitate cooperation nor taken steps to transfer to the Tribunal's custody indictees in its territory.

The President has informed the Member States that the Federal Republic has become a haven for fugitives from international law. It is an affront to the international community that the Federal Republic of Yugoslavia persists in its refusal to afford the Tribunal that which has been accepted and is required of it. The Security Council has condemned the failure to date of the former Yugoslavia to execute the arrest warrants issued by the Tribunal against the three individuals referred to in the letter of 8 September and demanded the immediate and unconditional execution of those arrest warrants, including the transfer of those individuals to the custody of the Tribunal. We are looking forward to an early implementation of the Council's resolution and hope that the Council will be able to enforce its decision.

In spite of all the difficulties, the Tribunal has made efforts to improve upon its witness protection programme. We particularly note that in the Celebici trial some witnesses have benefited with this programme and cooperated with the Tribunal.

It is also encouraging to note that the Prosecutor has achieved some success in pursuing a strategy of seeking sealed indictments. Another positive development is the welcome cooperation extended by the Stabilization Force (SFOR) to detain and apprehend indictees and assist with the voluntary surrender of indicted persons. Paragraph 123 of the report states that the Tribunal considers it a "turning point" in getting a "renewed determination on the part of the international community to assist the Tribunal".

We also appreciate the cooperation that SFOR has extended in support of the Tribunal's work by enforcing international norms of professional media conduct. We hope that the Tribunal will continue to benefit from all the assistance that it needs.

The Tribunal has also persistently affirmed its territorial and temporal jurisdiction over serious violations of international humanitarian law taking place in Kosovo. The Security Council has reinforced the Tribunal's role in this regard through the adoption of resolutions 1160 (1998), 1199 (1998) and 1203 (1998), all adopted in 1998. We fully share the Tribunal's disappointment at the hurdles that have been put in the way of its carrying out the Security Council's mandate to this effect. The systematic genocide of ethnic Albanians by Serb occupation forces in Kosovo is a flagrant violation of human rights and Security Council resolutions. The brutal suppression of the civilian population by the Serb forces of occupation also constitutes a serious threat to the peace and security of the region. Effective steps are needed to put an end to the repressive measures against ethnic Albanians.

We agree with the Tribunal's assessment that events in Kosovo indicate the danger of complacency, and we also endorse the Tribunal's view, expressed in paragraph 293 of its report, that "the only effective response to such events is a firm and timely one."

The Council has taken one step to respond to that need, in resolution 1207 (1998). Acting under Chapter VII of the Charter, the Council reiterated its call upon the authorities of the Federal Republic of Yugoslavia to cooperate fully with the Prosecutor in the investigation of all possible violations within the jurisdiction of the Tribunal. The Tribunal's earlier letters to the Security Council, however, reflect that that step would not be enough. In her letter dated 6 November, for example, the President of the Tribunal reported on the continuing refusal of the Federal Republic of Yugoslavia to cooperate with the International Tribunal and its failure to issue visas to investigators of the Office of the Prosecutor. It remains to be seen whether resolution 1207 (1998) alone will be able to modify that behaviour. We urge the Council to ensure full compliance with its resolutions to enable the Tribunal to undertake investigations in Kosovo and Metohija.

Pakistan has been providing moral and financial support to the Tribunal. We have already contributed $1 million to the voluntary fund and join the appeal to the international community to further strengthen the Tribunal's financial resources. We appreciate the assistance that has been extended to the Tribunal, particularly for the exhumation programme.

In paragraph 299 of the report, the Tribunal states,

> "In hearing the victims' testimonies, it ensures that the ear of history, which has so often been deaf this century, is listening."

We reaffirm our full support to the Tribunal in fulfilling that important role and bringing the perpetrators of heinous crimes to justice.

**Mr. Nejad Hosseinian** (Islamic Republic of Iran): I wish to begin by expressing the appreciation of my delegation to Judge McDonald, the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, for presenting the fifth annual report of the Tribunal, contained in document A/53/219.

Five years ago the United Nations, by a historic decision, established an ad hoc International Tribunal to bring to justice the perpetrators of the most heinous crimes, which included genocide, ethnic cleansing, the massive rape of women, torture and the forcible displacement of civilians, all committed against Bosnian Muslims. This major step was taken with the wholehearted support of all members of the international community to send a clear message to the victims of such criminal acts — the dimensions and ramifications of which are beyond any explanation — that humanity will not turn its back on them and that the criminals will not be given the opportunity to escape apprehension and prosecution. Every member of the international community is convinced that there will be no real peace in the Balkans without justice.

The 86-page report before the Assembly illustrates various events and developments relating to the activities of the Tribunal in the past 12 months. It is abundantly clear that the Tribunal has flourished and turned into a full-fledged International Criminal Tribunal with the infrastructure and prosecutorial, judicial and administrative branches required for its smooth functioning and for discharging the important mandate entrusted to it. Moreover, the report explains the significant progress made by the Tribunal in acquiring the resources, the facilities and the cooperation of States and international organizations.

In the past year, the General Assembly and the Security Council have paid due attention to the shortcomings of the Tribunal, as was requested by its former President and supported by Member States of this Organization. The Security Council decided to increase the number of Trial Chambers from two to three, and the Assembly elected three Judges to serve in the new Chamber of the Tribunal. We congratulate the newly elected judges and wish every success to all the judges in fulfilling their mandate.

The increase in the budgetary resources of the Tribunal has enabled the Office of the Prosecutor to accomplish the investigative activities envisioned in its plan of work for 1997 and 1998. Furthermore, the Prosecutor extended its investigative activities to Kosovo, to collect information relating to violence in Kosovo that may fall under the Tribunal's jurisdiction, as required by Security Council resolution 1160 (1998). In this respect, I would like to emphasize that the authorities of the Federal Republic of Yugoslavia and the leaders of the Albanian community and all others should fully cooperate with the Prosecutor of the Tribunal in the investigation of all possible violations that fall within the jurisdiction of the Tribunal, as required by Security Council resolution 1207 (1998), adopted two days ago.

We note from the report that during the period under consideration, the Trial Chambers and the Appeals Chamber have been extremely busy with the cases before them. During the period under review, 19 persons accused of committing crimes under the jurisdiction of the Tribunal have been arrested, increasing the number of indicted persons in its custody to 27.

The report is also indicative of the increased support and cooperation rendered by States and international organizations for better functioning of the Tribunal in the preceding year. An increasing number of indicted persons from the territory of Croatia and Srpska have been surrendered to the Tribunal, reflecting the most visible sign of increased cooperation from the States and entities of the former Yugoslavia. In particular, the adjusted policy of the Sprska towards the Tribunal, in comparison with that of previous years, is an encouraging sign reflecting a new tendency and willingness to cooperate with the Tribunal for the benefit of all of the people of the former Yugoslavia and in the interest of humanity as a whole. We expect this new trend to evolve into full-fledged cooperation with the Tribunal.

Despite major achievements, the Tribunal still faces certain problems in discharging the mandate entrusted to it. According to the report before the Assembly, 31 of the Tribunal's indictees have not yet been arrested due to non-compliance with obligations on the part of certain States and entities. Moreover, the Tribunal is not in a position to gather and examine the evidence vital for its proceedings due to non-cooperation of these states and entities. In this respect, we welcome the adoption of Security Council resolution 1207 (1998) under Chapter VII of the Charter, demanding immediate and unconditional arrest and transfer of the three indictees of 7 November 1995 to the custody of the Tribunal. The Council's demand must be heeded by the authorities concerned.

In this context, my Government continues to support the work of the Tribunal and is prepared to fully cooperate with it in accordance with its international obligations.

In conclusion, I wish to emphasize that the success of the Tribunal in achieving its objectives is certainly a major step in promoting the rule of law and deterring the recurrence of the most heinous and barbaric crime by man against man. It is in fact a victory for human decency. To this end, it is indispensable that all nations put in place all the measures required to enable the Tribunal to fulfil its mission. It is also essential that the United Nations, as the founder of the Tribunal, and the Security Council in particular, continue to support the Tribunal politically, financially and logistically and to ensure that demand for international justice prevails over the interests of a few States. Let us ensure by our actions as well as by our words that culprits of the most heinous crimes will not be treated with impunity.

**Mr. Sacirbey** (Bosnia and Herzegovina): Allow me first to thank all those who have participated in today's debate. I believe that the cause of peace and the work of the Tribunal have been furthered by your participation here today.

I should also like to thank Judge McDonald for her most thorough and helpful report. From her assessment, we can see that there has been some progress in cooperation with, and support for, the Tribunal. We commend the officials of the Tribunal for their efforts and success under sometimes quite demanding circumstances. Unfortunately, though, the failures to comply with the Tribunal's orders sound all too familiar and come from the same sources.

The bottom line is that the major culprits of genocide and war crimes remain free, and they continue to impede the work of peace and reconciliation.

We, the States and parties in the region, and in particular Bosnia and Herzegovina, have been repeatedly lectured, and told that the success of peace is up to us. We sincerely believe that. Nonetheless, how are we to understand such lectures when no distinction is made between those in the region who exhibit their commitment to peace with endless efforts and those States and parties that undermine the efforts? How are we — and how are the opponents of peace — to understand the fact that those who fail to comply with the Tribunal's efforts continue to be appeased rather than sanctioned?

For more than three years now, the President of the Tribunal — first Judge Cassese and now Judge McDonald — has come to the Assembly and named again the same non-abiding States and parties. And once again, no significant price has been paid by what Judge McDonald has termed rogue States and entities for their recalcitrant behaviour. Clearly, something is not right. Clearly, this body, or maybe more appropriately the Security Council and some of its most powerful members, do not have the will to carry out their responsibilities to the Tribunal, to the Assembly and to the victims and the people of my country and my region. I do not believe that we have to be so dramatic — and so oblivious to the truth — as to ask, "Where does the fault lie: with us or with our stars?". We know who the problems are over there, and here.

The excuse that somehow the Tribunal may impede peace is something that we cannot accept. If we look at the situation in Bosnia and Herzegovina, the recent arrest and handover of indicted war criminals have in fact succeeded in promoting peace in Bosnia and Herzegovina, while, on the other hand, the failure to comply has only worsened the situation in Kosovo because of the failure of certain States to cooperate with the Tribunal.

Bosnia and Herzegovina makes only one request here: we ask the Assembly please to respond positively to Judge McDonald's — the Tribunal's — appeal for assistance both in terms of resources and by executing its orders and arrest warrants, particularly through the Security Council and through the forces on the ground mandated to carry out such steps.

**The Acting President** (*interpretation from French*): We have heard the last speaker in the debate on this item.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 48?

*It was so decided.*

**Agenda item 37** (*continued*)

**Implementation of the outcome of the World Summit for Social Development**

**Draft resolution (A/53/L.34)**

**The Acting President** (*interpretation from French*): Members will recall that the General Assembly concluded its debate on this agenda at its 32nd plenary meeting, held on 7 October 1998.

I call on the representative of Chile to introduce draft resolution A/53/L.34.

**Mr. Larraín** (Chile) (*interpretation from Spanish*): I take pleasure in introducing on behalf of its 134 sponsors draft resolution A/53/L.34, entitled "Implementation of the outcome of the World Summit for Social Development", under agenda item 37. The following additional sponsors should be added to those listed in document A/53/L.34: Australia, the Bahamas, India, Malta, the Federated States of Micronesia, New Zealand, Thailand and Tunisia.

The draft resolution once again reaffirms the commitments of the World Summit for Social Development to give the highest priority to policies for the promotion of social progress, social justice and the betterment of the human condition, based on participation by all.

It expresses profound concern at the seriousness of the current economic crisis in many regions of the world and in that context emphasizes the need for revitalized economic and social development within a framework placing people at the centre of our concerns.

The draft resolution stresses the critical importance of national action and international cooperation for social development, calling upon all Governments and the United Nations system to promote a gender perspective in the planning and implementation of policies and strategies on social development.

The text reaffirms that the mobilization of domestic and international resources for development is an essential component for the comprehensive and effective implementation of the outcome of the Summit, and in that connection underscores the importance of official development assistance and renewed initiatives with a view to finding a durable solution to the external debt problems of developing countries.

The draft resolution highlights the importance of the involvement of civil society and other actors in the implementation of and follow-up to the Declaration and Programme of Action of the World Summit for Social Development. The role of the United Nations system in the implementation of the Copenhagen commitments is also underscored, in particular the work of the Commission for Social Development, the Economic and Social Council, the regional commissions, the funds and programmes and the specialized agencies.

A section of the draft resolution is devoted to the year 2000 special session of the General Assembly and its preparatory process, in particular to the future work of the Preparatory Committee. The draft resolution reiterates that the objectives of the special session will be to reaffirm the Declaration and the Programme of Action agreed at the Summit and not to renegotiate them, to identify progress made and constraints encountered in the implementation of the Declaration and Programme of Action, and to recommend concrete actions and initiatives towards full and effective implementation of the Declaration and Programme of Action adopted at the Summit.

The draft resolution invites organs, funds and programmes, as well as the specialized agencies, of the United Nations system, including the Bretton Woods institutions and the World Trade Organization, to contribute to the preparatory process for the year 2000 special session by, *inter alia*, submitting proposals for further actions and initiatives with a view to the full and effective implementations of the commitments entered into at the social Summit. The draft resolution also invites the International Labour Organization, which because of its mandate, tripartite structure and expertise has a special role to play in the field of employment and social development, to be actively involved in the preparatory process and the special session. Likewise, the draft resolution reaffirms the invitation to Governments to contribute to the Trust Fund for the Follow-up to the World Summit for Social Development.

The draft resolution particularly thanks the Government of Switzerland and welcomes its offer to convene the special session in Geneva and decides that the special session will be held from 26 to 30 June 2000 in Geneva.

Before concluding, I would like to thank the Counsellor of the Permanent Mission of Brazil, Mrs. Marcela Nicodemos, for her excellent work. She presided with efficiency and celerity over the informal consultations that led to this draft resolution. I would also like to thank all the delegations and the Secretariat for their commitment and dedication to this draft resolution. I would like to extend very special thanks to the representatives of the two main negotiating groups, Ms. Esti Andayani of Indonesia as chair of the Group of 77 and China, and Mrs. Susanne Keppler-Schlesinger of Austria as president of the European Union.

For our part, I would like to reiterate the resolve of the Government and the Permanent Mission of Chile to continue to promote the follow-up and fulfilment of the commitments of the Social Summit, in particular in the context of the preparatory work for the special session of the Assembly that we will hold in Geneva in June 2000.

My delegation hopes that, as in earlier years, the General Assembly will adopt this draft resolution by consensus.

**The Acting President** (*interpretation from French*): We have heard the last speaker in the debate on this item.

We shall now proceed to take a decision on draft resolution A/53/L.34.

May I take it that the Assembly decides to adopt draft resolution A/53/L.34 by consensus?

*The draft resolution was adopted* (resolution 53/28).

**The Acting President** (*interpretation from French*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 37?

*It was so decided.*

**Agenda item 44** *(continued)*

**The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development**

**Reports of the Secretary-General (A/53/288, A/53/315, A/53/421 and Corr.1)**

**Draft resolutions (A/53/L.20, A/53/L.22/Rev.2)**

**Mr. Anopuechi** (Nigeria): Since this is my first time taking this podium, I want to join the previous speakers in commending the excellent manner in which the President has been conducting the affairs of the General Assembly. I have no doubt that his manifest qualities of leadership will crown our deliberations with astounding success.

For more than five years, my country has successfully addressed itself to measures to establish reconciliation and understanding within its borders and has been central to peace, reconciliation and stabilization measures in certain areas of our subregion of West Africa. The Federal Republic of Nigeria is therefore in a vantage position to appreciate the noble motives that inspired this agenda item, entitled "The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development".

The national and regional agreements that emerged in Central America will not be worth the paper on which they are written without the requisite resolve of the affected nations and peoples to carry out the commitments that they assumed under those agreements. The peoples of El Salvador, Guatemala and Nicaragua need to demonstrate the will to embark on reconciliation, reconstruction and rehabilitation, not just of their infrastructures but also of their level of resolve to move forward to be part of a new millennium of peace, which is now a global phenomenon. If they succeed, they will not only retain the admiration of their numerous friends — including that of my own country, the Federal Republic of Nigeria — but they will also undoubtedly enlarge their circle of such friends. It is our ardent wish to see the region move away from conflict and wars to a future which addresses the well-being of their peoples by embracing the benefits of science, technology, education and advances in health and democratic norms. My delegation believes that the Central American countries have no option but to succeed in their goal of national and regional peace and economic, political and social stability. In this endeavour — an initiative of the United Nations encouraged by a growing circle of friends — we wish them success.

Africa knows what the costs of wars and violent conflicts are, and at a certain period in our history we in Nigeria faced both the agony of waging war and the agony of restoring and nurturing peace. In the latter we knew and dreaded the cost of failure and did not wish to contemplate it. Our resolve pulled us through, with the encouragement of our friends. As a friend, my delegation encourages our Central American friends to follow the same footsteps, because the dividends could be enormous. The cost of failure, through lack of resolve to honour commitments, is too grim and should never be contemplated.

Finally, my delegation is so attracted by the generous and compelling sentiments and motives which inspired the authors of the draft resolution on agenda item 44 entitled "The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development" (A/53/L.22/Rev.2) that it wants to be associated with that draft resolution and urges the General Assembly to adopt it without a vote.

**Ms. Heaphy** (United States of America): My Government is pleased to co-sponsor the two draft resolutions on Central America before the Assembly today. These drafts recognize the tremendous progress that has been made in the Central American region towards peace, democracy and reconstruction after many years of turmoil and suffering. With the support of friends and of the United Nations, the Central American people have launched their countries on an irreversible path towards economic growth, social justice and regional cooperation. We are committed to remaining a partner in that process.

Hurricane Mitch has posed a new and deadly threat to the goals Central America has so bravely pursued. The United States wishes to express its profound grief and consternation at the tragic loss of life and the wholesale destruction of property and infrastructure caused by Hurricane Mitch. The timing of this disaster simply could not have been worse.

We reaffirm our abiding support for the victims of the hurricane. We commend the courageous leadership displayed by the Governments and civil society in the affected countries, as well as the laudable efforts of members of the international community that have contributed to the recovery.

For its part, the United States has moved quickly to provide emergency relief and to express our nation's solidarity with the victims of this terrible storm. Former President Bush visited Tegucigalpa just a few days after the rain stopped; Vice-President Gore's wife, Tipper, led a presidential delegation to Honduras and Nicaragua last week; and our First Lady, Hillary Rodham Clinton, is in the region this week.

In conjunction with the First Lady's visit, the United States is pleased to report that, to date, approximately $250 million of emergency relief goods and services have been allocated to the disaster-recovery efforts. Beyond initial deployments immediately after the hurricane, the United States has expanded its helicopter fleet to 55 and is providing engineering and road-building units, bridges, medical detachments and 11 water-purification systems.

The First Lady also announced a significant increase in food aid, a United States Agency for International Development (USAID) project with the Inter-American Development Bank to put micro-entrepreneurs back on their feet, and relief of up to $50 million of bilateral debt for Nicaragua and Honduras through the year 2000. The United States will take a leading role in organizing a meeting of international donors in Washington next month to discuss long-term financial assistance.

Besides official aid, private United States citizens have reached out to their stricken neighbours. Over $5 million of relief supplies have been donated, and a number of former Peace Corps volunteers have offered to return to Central America to contribute critical skills to the recovery effort.

Despite the terrible destruction caused by Hurricane Mitch, we are confident that the nations of Central America will remain firmly on the path to peace, freedom, democracy and development. Great progress has been made throughout the region in improving everyday observance of internationally recognized human rights, though work still remains to be done. The United States supports the efforts of entities such as the historical Clarification Commission in Guatemala to heal the wounds left by years of conflict. Furthermore, we are committed to helping the countries of the region to improve their police and judicial systems in order to confront the growing threat of violent crimes while protecting due process for the accused.

We recognize the invaluable contributions to the Guatemalan peace process by the United Nations Verification Mission in Guatemala (MINUGUA) and support its continuation. Likewise, we appreciate the support for the peace process expressed at the latest Consultative Group meeting in Brussels and look forward to further positive developments at the regional consultative group meeting scheduled for December.

As Central America rebuilds in the aftermath of Hurricane Mitch, the nations of the region can take strength from the broad international support represented by these two draft resolutions. Whether rebuilding roads or democratic institutions, we are with them — shoulder to shoulder — in the tasks that lie ahead.

**Mr. Felicio** (Brazil) (*interpretation from Spanish*): As we consider the reports of the Secretary-General on the United Nations Verification Mission in Guatemala (MINUGUA) and on the situation in Central America, today would normally be an occasion for congratulating once again the countries of Central America and the United Nations on the progress achieved in the process of the consolidation of peace, freedom and democracy since the signing of the Esquipulas II agreement in 1987. Our statement would warmly pay tribute to the efforts made by Central America to champion human rights and realize the economic integration and sustainable development of the entire region.

But today these comments must go hand in hand with expressions of sorrow at the loss of thousands of human lives and the destruction of the infrastructure of the countries struck by Hurricane Mitch. That tragedy, witnessed with distress by the whole of the international community, could jeopardize the sustainability of the reforms under way in the region. It is from this perspective that we now consider the two draft resolutions under agenda item 44.

The first draft, contained in document A/53/L.20 and introduced by the representative of Mexico, authorizes the extension of the United Nations Verification Mission in Guatemala until 31 December 1999 to permit it to continue its work of verification of the General Peace Agreements signed between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca in December 1996. This is in response to the request of the parties that the duration of the mandate of the Mission should be the same as that of the implementation, compliance and verification timetable of the Peace Agreements: four years, from 1997 to 2000.

This extension is warranted by the successes achieved by the parties in the third phase of the implementation timetable of the commitments undertaken in the Peace Agreements. The most recent report of the Secretary-General on MINUGUA indicates that since the adoption of resolution 52/175, progress has been made towards political and cultural pluralism, with a marked increase in the involvement of the indigenous population in national life. The same report indicates that State institutions and society in general are devoting particular attention to social development and to the State's need to refocus its initiatives on the rural areas of the country and the most vulnerable groups of society.

These advances make MINUGUA an exemplary model of the consolidation of peace — a peace that is not defined simply as the absence of conflict but above all as a daily labour of political, social and economic construction in nations in which a peace process in under way. That endeavour involves also constant vigilance to guard against the threat of setbacks and against impunity for those who violate human rights.

The magnitude and scope of the challenges laid out in the Peace Agreements require the active involvement of the various components of the United Nations system devoted to economic and social development. It is clear to us that the General Assembly is the organ best suited to the tasks of authorizing and supervising an operation of this nature. This would avoid further burdening the heavy agenda of the Security Council with questions that, according to the Charter, should not be within its purview. In the time that we have shared with Costa Rica Latin America's representation on the Council, we have reviewed more than one case that could immediately have been transferred to the General Assembly.

In short, Brazil supports the initiative of draft resolution A/53/L.20, prepared by the Group of Friends of the Guatemalan peace process, taking into account the importance that my Government attaches to the peace process in that sister nation, particularly in its current phase of preparing for the presidential elections of November 1999.

The second draft resolution — contained in A/53/L.22/Rev.2, introduced by the Permanent Representative of Guatemala and co-sponsored by Brazil — appeals to the international community to provide special emergency cooperation and assistance for the rehabilitation and reconstruction of the countries affected by hurricane Mitch.

At this critical time, peace in Central America is closely bound up with the economic and social reconstruction of the affected countries. For its part, Brazil is already trying to convert its support into tangible assistance. In this respect, President Fernando Henrique Cardoso decided to send to the National Congress a proposal to forgive Nicaragua's and El Salvador's debt to Brazil. In the case of Nicaragua, the debt amounts to $117 million in loans to Nicaragua's national development bank and to its central bank. El Salvador's debt is about $200,000; it involves a loan to El Salvador's development and investment bank.

In addition to this proposal submitted to the Brazilian Parliament to cancel Nicaragua's and El Salvador's debt, the Government of Brazil is prepared to send medicine to the affected countries and may also be able to offer vaccines. An information-gathering mission of Brazilian army engineers and doctors is also preparing to go to the disaster zone. That mission is to precede the provision of an engineering battalion and field hospital.

The Brazilian people, who have participated in the peacekeeping missions in El Salvador and Guatemala and in demining activities in the region, are closely following the events in Central America. The challenges faced today by the nations of the isthmus are not fundamentally different from those that all of Latin America is trying to surmount: the building of fairer and more united societies, respect for human rights, the establishment of democratic institutions, productive integration into the global economy and regional and subregional integration. In solidarity, we share the challenges faced by our Central America brothers. We are working for an integrated, just, prosperous and peaceful Latin America that will increasingly play a constructive role in solving the world's major problems.

**Mr. Takasu** (Japan): On behalf of my delegation, I would like to express my appreciation to the Secretary-General for his reports under the agenda item on the situation in Central America.

My delegation welcomes the considerable progress that has been achieved along the road to peace, democratization and the transformation of society in Central America. All internal conflicts have been settled, and peace now prevails throughout the region. Japan steadfastly supports the efforts of the Central American countries to solidify the progress that has been made and welcomes the determination of their political leaders to move towards closer cooperation and integration.

The peace process is not yet completed, however, and further efforts must be made to consolidate democratization and development. Central American countries still face enormous challenges: the alleviation of poverty, the establishment of social justice, respect for human rights. The devastation caused recently by hurricane Mitch destroyed much of what the Governments and the peoples in the region, particularly in Honduras and Nicaragua, had achieved through their reconstruction and development efforts in recent years. The serious problems facing Central America have thus been compounded by this natural disaster.

I would like to take this opportunity to extend my heartfelt condolences to the Governments and the peoples of the Central American countries that suffered unspeakable human and material loss. Japan is actively participating in international relief assistance efforts and has already extended immediate emergency relief assistance to Central American countries. In response to a request, Japan has also dispatched a 205-member disaster relief team to Honduras and a 16-member team to Nicaragua. Moreover, Japan plans to participate in the forthcoming Central American regional emergency consultative group meeting that will be hosted by the Inter-American Development Bank in Washington, D.C., at the beginning of December. As one of the top donors to the region, Japan will continue to play an active role in implementing measures to support the reconstruction and recovery efforts of Central America.

We sincerely hope the people and the Governments of the affected countries will join together so that they can recover from the devastation as quickly as possible.

With the establishment of peace, the countries of Central America have been able to make significant progress in the democratization process, the promotion of their market economies and the improvement of their peoples' living standards. Japan commends and continues to support the efforts of the countries of the region to build durable peace and democracy there. Annual meetings of the Japan-Central American Forum provide a useful basis for such cooperation and consultation on a wide range of issues of common concern, from the democratization process to economic development. Our concerns in the region stem not only from the socio-economic difficulties related to improving living standards but also from problems that may hinder further progress in the democratization process.

In Guatemala, the peaceful integration of the Unidad Revolucionaria Nacional Guatemalteca ex-combatants was successfully implemented under the observation of the United Nations Verification Mission in Guatemala (MINUGUA), which continues to verify the implementation of peace agreements. Further improvements must be made, however, in the areas of human rights, public security and judicial systems.

El Salvador is pursuing the democratization process on its own after the withdrawal of the last unit of the United Nations in June of this year. But we are concerned about the delay in the implementation of the Human Settlement Programme for ex-combatants due to difficulties in the processing of land purchases and registrations.

Japan hopes that the Governments will make every effort to further advance essential political and social transformation.

The United Nations system has played a vital role in the extraordinary transformation that has taken place in the countries of Central America. The United Nations itself and its sister organizations have supported the efforts of those countries to consolidate peace, democratization and development.

Japan supports the active engagement of the United Nations in Central America, particularly the continued presence of MINUGUA in Guatemala and United Nations participation in the peace-building process in El Salvador.

My delegation attaches great importance to the two draft resolutions before us and fully supports their adoption by consensus.

**Mr. Pérez-Otermin** (Uruguay) (*interpretation from Spanish*): Fifteen years have passed since this item was first included on the agenda of the General Assembly, and over this period we have witnessed profound changes in the region. The dynamic and changing political, social and economic situation has shown the positive evolution of Central America, which is now free from armed conflict, has strengthened democratic institutions and consolidated peace, protects human rights and promotes regional integration.

We are particularly pleased by the lofty spirit and high level of cooperation and integration shown by our Central American brothers. That spirit was reflected in the Declaration of Nicaragua of September 1997 and in the Esquipulas agreements, which have helped consolidate and strengthen the process of bringing peace to the region.

The positive and dynamic transformation of Central America has been made possible essentially by the efforts of the peoples and the Governments of Central America, although we must also acknowledge and express our appreciation for the important role played by the peacekeeping operations and verification and monitoring missions deployed by the United Nations in the region since 1989.

As a State that has been active in peacekeeping operations, Uruguay wholeheartedly supports the activities of the United Nations Verification Mission in Guatemala (MINUGUA), whose main role is to ensure full implementation of the Peace Agreements for a four-year period, until the end of the year 2000. The presence of that Mission is an excellent example of what the United Nations can do in the present era.

Peace and stability can finally prevail in all of Central America. However, we believe that it is necessary for the international community to continue to cooperate in ensuring the consolidation of the peace process. Now, in the wake of the catastrophe brought about by hurricane Mitch, there is an even greater need.

We have repeatedly said that there can be no peace without development. Given the present circumstances, therefore, cooperation is more necessary than ever. Uruguay has already contributed by sending two aircraft from our Air Force, containing food, medicine, clothing, blankets and equipment for a water purification plant able to provide drinking water rations for up to 60,000 people, together with technicians and installation crews.

Uruguay is thus demonstrating its solidarity with and sharing the challenges of our Central American brothers so that together we can work for a peaceful, democratic, integrated and prosperous Latin America. They can depend on the support and encouragement of the Government and the people of my country at all times.

**Mr. Kafando** (Burkina Faso) (*interpretation from French*): The consideration of this agenda item is very timely, as it is taking place at a time of tragedy for Central America in the wake of the disasters caused by the passage of hurricane Mitch. On behalf of the Organization of African Unity we should therefore like to take this occasion, in the light of the Secretary-General's exhaustive report before us this morning, to reaffirm to our brothers and to the peoples of that region, in this time of its ordeal, how close Africa is to them and how much we sympathize with their suffering.

As a land prone to natural disasters, experiencing drought and flood on a cyclical basis, Africa understands the appalling tragedy and the distress of all kinds endured by the inhabitants of Central America, who, in the space of a few hours, met with grief and desolation. It is the duty of the international community, in a spirit of unanimity, to provide aid to Nicaragua, Honduras, Guatemala and El Salvador, the four countries most seriously affected. There is good reason to offer very sincere congratulations to the Governments and bodies that have already responded generously to their distress.

The Secretary-General's assessment of the situation in Central America is certainly very encouraging. His report shows that, given what is at stake, the results achieved are convincing; but it also shows that, given the dangers, the situation is still precarious. That means that, more than in the past, these countries need peace and a genuine effort of national mobilization so as to achieve reconstruction. It must be recognized, as we read the report of the Secretary-General, that the United Nations has done a great deal to assist these countries in the area of security and conflict settlement, whether through peacekeeping verification missions or monitoring missions to help in the process of democratization. The achievements appear to be encouraging, as they have helped dispel the spectre of civil war, especially in Guatemala since the establishment of United Nations Verification Mission in Guatemala (MINUGUA) and the demilitarization of the armed opposition. Furthermore, democratic culture is increasingly taking root through the enhancement of human rights and the observance of political pluralism, as can be seen in the Second Panama Declaration of 12 July 1997.

With regard to economic development, we should also welcome the activities of the United Nations, whose operational system has increased its assistance to the States of Central America in close cooperation with potential donors, including, principally, the European Union, the Bretton Woods institutions, the Inter-American Development Bank, the Paris Club and groups of friendly countries.

Furthermore, it is gratifying to see that the States of Central America are themselves endeavouring to organize and rationalize their own area and economic structures. Mexico has concluded a free trade agreement which we hope will be extended to other States in Latin America and even the Caribbean. In addition, the General Treaty on Central American Economic Integration will be able to play a regulatory role for inter-American and external trade.

However, as with our continent, Africa, we continue to believe that true salvation can come only from the Central American States themselves, as the external aid provided is only a temporary expedient. It is above all for the States themselves to design and put into effect their own development strategy on the basis of their own values, taking account of the unique nature and complexity of the problems of that region. I am referring, for example, to the agrarian reforms whose extreme importance in Latin America is recognized by all. I am also referring to the need for profound political reform and to national reconciliation, which requires all legitimate aspirations to be taken into account. If they are not, development will be compromised, as it can flourish only in the context of peace.

In conclusion, I should like to reaffirm Africa's readiness to help our brothers in Latin America, and especially in Central America. Even if our economic difficulties do not allow us to come to their aid in their current need, we share with them the same conditions of underdevelopment, the same ideal — that humankind should be at the centre of all development — and the same certainty of faith in the future.

We must therefore work to strengthen our solidarity and cooperation — South-South cooperation, whose advantages, though never before dreamt of, are enormous. In that perspective, greater concerted action between the Organization of American States and the Organization of African Unity could lay the ground for genuinely close relations between Africa and Latin America.

**Mr. De Rojas** (Venezuela) (*interpretation from Spanish*): At a time when our Central American brothers are mourning the victims claimed and the desolation wrought by hurricane Mitch, Venezuela reiterates its condolences over this terrible tragedy and to express its solidarity with the peoples and Governments of Honduras, El Salvador, Nicaragua and Guatemala.

In this respect, my country has made its contribution to the worthy international effort undertaken to get humanitarian assistance to those who need it most right now. It is Venezuela's hope that the difficult situation in which these countries find themselves will end as soon as possible so that they may continue along the road to social and economic development and political consolidation.

We welcome the comments contained in the Secretary-General's report on the situation in the Central America, in document A/53/315. In particular, we welcome the statement that

> "For the first time in decades, not one of the countries in the region is plagued by internal conflict." *(A/53/315, para. 43)*

The time of armed conflict is finally at an end and we are now living in an era of understanding among the various sectors of civil society, sustained by tolerance and the principle of pluralism.

Nevertheless, and as the Secretary-General indicates, we reiterate yet again the importance of tirelessly pursuing the efforts being made to consolidate the objectives of peace, freedom, democracy and development. In this connection, we note with pleasure the convening of the Tuxtla III conference, which took place at San Salvador in July this year, at which the heads of State of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama agreed to join forces in political and economic areas and decided to act as partners in commerce, services and investment.

We also express our pleasure at the strengthening of dialogue between the Central American region, the European Union and the Group of Three, demonstrated in the convening of the San José XIV Ministerial Conference, held in Costa Rica in February this year. Venezuela will continue to support efforts for economic and social development in the region through existing cooperation programmes.

My country has closely followed the peace-building process in Guatemala, in our capacity as a member of the Group of Friends of the Secretary-General and through the United Nations Verification Mission in Guatemala (MINUGUA). The Secretary-General's report on MINUGUA reflects the progress that has been made in implementing the Peace Agreements. Although there remain points on which the desired progress has not yet been made, we have every confidence that the political will exists to reach the objectives within the established time-frame. This confidence was strengthened once again by the recent adoption by the Guatemalan Parliament of a set of constitutional reforms.

With the Group of Friends, Venezuela is sponsoring draft resolution A/53/L.20 on renewing the mandate of MINUGUA. We are thus expressing our support for the work of the Mission and the renewed commitment of all sectors of Guatemalan society in their efforts to consolidate the peace process as the sole point of departure for reconciliation and national reconstruction in an atmosphere of freedom and understanding.

**Mr. Duval** (Canada) (*interpretation from French*): I am glad to have the opportunity today to speak on Canada's behalf on the situation in Central America and on the United Nations Verification Mission in Guatemala (MINUGUA). We are proud yet again to co-sponsor both draft resolutions on this item.

The past year has seen progress in the process of consolidating peace, freedom, democracy and development in the Central American region. Canada welcomes this progress and, in particular, the achievements made in implementing the Guatemalan Peace Agreements signed under United Nations auspices.

Regrettably, the past year has not seen progress alone; very recently, it has also seen tragedy. The passage of hurricane Mitch has had a devastating effect on the Central American region and threatens the ability of its peoples to realize the benefits of the progress made towards peace, freedom, democracy and development.

In accordance with the spirit of draft resolution A/53/L.22/Rev.2, Canada recognizes the need to provide emergency aid to Central American countries in order to help mitigate the effects of this catastrophic event. Canada is now doing everything in its immediate power to provide relief to those affected by this tragedy. To date, our Government has provided over Can$9 million towards emergency assistance in the region, including food aid, local relief efforts, emergency relief through non-governmental organizations, the provision of basic necessities and a mapping project for flood zones.

Canadian officials are working with their counterparts in Central America and, through the Canadian International Development Agency, with non-governmental organizations to determine a schedule for follow-up relief supplies. In addition, the Canadian Armed Forces have established a humanitarian relief operation at La Ceiba, in northern Honduras, under the designation of Joint Task Force Central America. The Canadian Disaster Assistance Response Team (DART) is a 180-person rapid-response organization comprising a headquarters, a medical platoon, an engineering platoon, a logistics support element and a security element. DART is focusing on the provision of clean drinking water, repairs to infrastructure and emergency medical care.

(*spoke in English*)

We realize that money cannot compensate for the tragedy of lost lives and shattered communities, but debt relief is an important step towards addressing the needs of those affected by the disaster. Canada has thus suspended repayment of principal and interest on Can$25 million in official debt owed by Honduras. The Government of Canada will be working in the days ahead with the World Bank, the International Monetary Fund, the Inter-American Development Bank and the Paris Club of official creditors to assess what further debt-relief measures may be needed for hurricane-affected countries. We will also be consulting with the G-7 and other partners on a regular basis to review the situation.

Canada intends to show its support to those countries devastated by the hurricane not only in the short term. To this end, Canada has pledged an additional Can$ 100 million over the next four years to Central America's recovery. The funds will focus on restoring agricultural production, reconstructing basic health facilities, water and sanitation infrastructure and rebuilding houses. Part of the funds will also go towards protecting the environment and managing natural resources. The Canadian International Development Agency will also review its programming in the region with a view to addressing the current situation. While in Central America last week, the Canadian Minister of International Cooperation, Mrs. Diane Marleau, met with officials from Nicaragua and Honduras to discuss their reconstruction needs.

These needs go beyond the obvious. Hurricane Mitch has had unanticipated and horrifying effects. Heavy rain and massive landslides have washed thousands of landmines into rivers and roadbeds. Yesterday, the Canadian Minister of Foreign Affairs, Mr. Lloyd Axworthy, announced a special contribution of Can$ 4.7 million for mine action in Central America. These funds will be spent in support of an Organization of American States assessment mission, mine clearance in northern Nicaragua and several five-year rehabilitation programmes in Nicaragua, El Salvador and Honduras. In addition, some of the funding will be used to finance a joint Canada/Israel programme for landmine victims in Guatemala.

In supporting this resolution, Canada joins in appealing to all Member States, the United Nations system, other international institutions and major actors in international civil society to provide generously the assistance urgently needed by the countries affected by the hurricane. A strong response to this appeal will help to ensure that the gains made in the establishment of peace, freedom, democracy and development in Central America are maintained.

**Mr. Bocalandro** (Argentina) (*interpretation from Spanish*): It is an honour for the delegation of Argentina to speak under this item on the situation in Central America. We have closely studied the reports of the Secretary-General, and we share his positive view on the future of the region, where great progress has been achieved in institutional and political reforms.

We have often stated in the past that due to the changes stemming from the cold war, for many years Central America was engulfed by conflict and violence which led to great social inequity, economic instability and institutional fragility. However, the end of the cold war opened up the road to democracy, thereby initiating a swift course towards coexistence, development and international integration. The signing of the Esquipulas II agreement on 7 August 1987 began this positive trend and established the bases for the process of democratization and political normalization of the region. In order to further consolidate this process, it is necessary for the will of the peoples and their Governments to coincide. However, ongoing sustained international cooperative effort is also needed to encourage prospects for growth.

Unfortunately, in the last few days we have witnessed with great anguish the tragic circumstances of Central America caused by the recent natural disaster. The situation is unprecedented. Conditions in the countries of the region are critical. The disaster is such that in some cases it will take a very long time simply to reverse the effects of the hurricane. For that reason, we consider it particularly urgent that all donor countries redouble their efforts to help alleviate the needs of this region. It is vital to help the societies affected, not only as a humanitarian response, but also because there is a real risk of holding up all the progress made in rebuilding these already damaged societies that have suffered from long years of conflict.

The Argentine Republic's traditional commitment to supporting the democratic process in Central America is now doubly needed because of these circumstances. Thus our country is contributing a significant number of White Helmets and has sent health and other supplies. We will continue to do everything we can to help the region recover.

Central America, with its culture, history, economic potential and strategic geographical location, is an area of fixed interest in Argentina's foreign policy. Our shared traditions and common objectives in this and other forums mean that Argentina supports and participates in Central American initiatives. In the area of human rights, for example, the outlooks of that subregion have been pioneering ones. Central America has also stood out in practical matters for promoting the cause of development and the ecology.

Today we can say that Central America's participation in the international arena has grown, which has benefitted the entire region of Latin American and the Caribbean. We agree with the Secretary-General's statement in his report on this item, that Central America will become a model of peace, democracy and comprehensive development. As it has in the past, Argentina will accompany those countries in that undertaking in the spirit of fraternal solidarity which they deserve.

**Mr. Rabena** (Spain) (*interpretation from Spanish*): The representative of Austria has spoken on behalf of the European Union, and my delegation identifies itself fully with his statement. I wish, however, to make additional observations, as Spain is a member of the group of friends of the Guatemala peace process.

My delegation welcomes the report of the Secretary-General of 28 September 1998, which describes the ongoing progress made in the implementation of the peace agreements of December 1996. In that regard, as the representative of Austria stated, my Government welcomes the recent agreements reached on constitutional reforms, to be endorsed shortly by the people of Guatemala in the proposed referendum, and fiscal reform. Spain is confident that the people of Guatemala and their political and social institutions will continue to be committed to the implementation of the peace agreements.

During 1998 the work of the United Nations Verification Mission in Guatemala (MINUGUA) in implementing and verifying the agreements has continued to demonstrate its great effectiveness and vital nature. For that reason, Spain, which endorsed the commitment for implementation of the peace agreements, is confident that draft resolution A/52/L.20, which Spain sponsored with the other members of the group of friends and of the European Union, will be unanimously adopted. That draft resolution provides for the extension of the MINUGUA mandate until 31 December 1999.

I wish to turn now to the human tragedy which the people of Central America are undergoing to express once again my country's and my Government's solidarity with the people affected and to express our firm commitment to their efforts of reconstruction, development and consolidation of democracy.

However, the devastation caused by hurricane Mitch will undoubtedly have serious long-term social and economic consequences, making this perhaps one of the most challenging moments for international solidarity. The challenge of reconstruction, development and consolidation of democracy in Central America is now more than ever a challenge to us all, to which we must respond generously and in a coordinated way.

**Mr. Valdivieso** (Colombia) (*interpretation from Spanish*): Colombia wishes to express its solidarity and support to our Central American brothers who have been struck by one of the most devastating natural disasters suffered by our region. The disasters caused by hurricane Mitch have not been fully calculated and will require major reconstruction efforts by the affected countries. Reconstruction will be a difficult undertaking which will take a long time, and international solidarity will be absolutely essential.

As our colleague from Mexico said at the 61st meeting, in introducing the draft resolution, "The Guatemalan peace process is working and working well". It has overcome some difficult phases, which ensures that it will remain on the path towards lasting peace.

Colombia has participated in the peace processes in Central America, first in the early efforts of the Contadora Group, then in the Salvadoran process and more recently as part of the Group of Friends of the Guatemalan peace process. We have done so in a spirit of conviction and hope, because we are very well acquainted with the pain of internal conflict.

Colombia joins in the gratitude expressed by the international community for the efforts made by the Government and the people of Guatemala. The implementation of the Peace Agreements, which involves major reforms, is being carried out thanks to the decision that was consolidated when the agreements were signed two years ago.

Recent constitutional reforms adopted by the Congress a few weeks ago bear further witness to the Guatemalan nation's acknowledgement of its multiculturalism. The support those reforms receive in the referendum that will soon take place will be one more vote of confidence in the process.

Colombia strongly supports the efforts of the United Nations to build peace in Central America, as well as the work of the United Nations Verification Mission in Guatemala (MINUGUA), whose presence and participation has been of extremely significant. We are also grateful for the valuable and timely contribution of the various agencies.

Nevertheless, this aid needs to stepped up even further in the wake of the tragic hurricane. The peace process in Guatemala is now entering its third phase, and full implementation of the agreements must continue to be ensured. Much has been invested, and the entire society has responded. Our support must continue.

Colombia is a sponsor of the draft resolution on extending the mandate of MINUGUA from 1 January to 31 December 1999.

**The Acting President** (*interpretation from French*): We have heard the last speaker in the debate on this agenda item.

Before adjourning the meeting, I should like to inform the Assembly that action on draft resolutions A/53/L.20 and A/53/L.22/Rev.2 will be taken at a later date, to allow time for the review of their programme budget implications.

*The meeting rose at 1.35 p.m.*

United Nations A/53/PV.63

# General Assembly
Fifty-third Session

Official Records

63rd plenary meeting
Thursday, 19 November 1998, 3 p.m.
New York

*President*: Mr. Opertti .................................. (Uruguay)

*The meeting was called to order at 3.15 p.m.*

## Agenda item 59

## Question of equitable representation on and increase in the membership of the Security Council and related matters

### Draft resolution (A/53/L.16)

### Amendment (A/53/L.42)

**The President** (*interpretation from Spanish*): I call on the representative of Egypt to introduce draft resolution A/53/L.16.

**Mr. Elaraby** (Egypt): I shall first speak on behalf of the sponsors of draft resolution A/53/L.16, to introduce that draft resolution, and will then make a statement on behalf of the delegation of Egypt.

Draft resolution A/53/L.16 was submitted and circulated more than three weeks ago, so it is only fair to assume that every delegation in this Hall is well acquainted with its content. For that reason, I shall limit my introduction to a few points that will explain the objectives and the rationale of the text.

At the outset, it should be recalled that the Charter of the United Nations is the constitutional basis and the legal framework of our work. It should be recalled also that the General Assembly is the most democratic of institutions, whose responsibilities are discharged in a transparent manner in conformity with the relevant provisions of the Charter and whose proceedings are regulated by its rules of procedure. The Charter clearly sets out the decision-making rules and the requirements for the adoption of amendments to the Charter. These are specified in Articles 108 and 109, which, as noted in the fourth preambular paragraph of the draft resolution before us,

> "when addressing matters relating to amendments to the Charter of the United Nations, ... calculate the majority required for taking decisions in the Assembly on the basis of the whole membership of the United Nations and not on the basis of the members present and voting".

Even in Article 109, which deals with the convening of a General Conference to review the Charter, the calculation of a majority is based on the membership of the United Nations: for the first 10 years it would have been a two-thirds majority, and since then it has been a simple majority — of the Members of the United Nations, and not of members present and voting.

Needless to say, any decision relating to the expansion of the Security Council is intrinsically connected to amendment of the Charter, and should thus be subject to the decision-making threshold referred to in Article 108. Only such a conclusion would be in conformity with the letter and the spirit of the Charter.

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

Cognizant of this conclusion, the heads of State or Government of the member States of the Non-Aligned Movement reaffirmed their determination only two months ago at their meeting in Durban, South Africa, that,

> "any resolution with Charter amendment implications must be adopted by the two thirds majority of the United Nations membership referred to in Article 108 of the Charter". [*Final Document of the twelfth summit of the Non-Aligned Movement, chapter I, para. 65*]

Draft resolution A/53/L.16 is a verbatim reflection — word for word — of the Non-Aligned Movement's position in this regard. I need not remind the General Assembly that it was adopted at the highest possible level, that of heads of State or Government.

In the course of the last few days, the sponsors of draft resolution A/53/L.16, in their ongoing efforts to work for the adoption of the draft resolution by consensus, have been listening to several views and concerns regarding the draft resolution. Allow me now to try to dispel some of those concerns in a genuine attempt by the sponsors to clarify the situation.

First, draft resolution A/53/L.16 is of a procedural nature. It does not touch or encroach upon matters of substance in any way and does not prejudice the position of any delegation with respect to the reform and expansion of the Security Council. The draft resolution aims at ensuring that the vital question of the composition of a reformed Security Council is decided by a credible majority of the United Nations membership, as prescribed in Article 108 of the Charter. Any country that wishes to enter the Security Council — as either a permanent or a non-permanent member — or any country that wishes to reform the Council in any way — with respect to the veto, the working methods or any issue in cluster I or II — should enter from the main gate: through Article 108 of the Charter. Back-door diplomacy can never replace the requisite majority prescribed by the Charter.

Secondly, the General Assembly has decided that the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council should continue its work on the basis of general agreement and submit a report before the end of the fifty-third session. It is therefore not acceptable to introduce draft resolutions on substance. Whether such draft resolutions are labelled as framework or conceptual draft resolutions is really immaterial. Yet rumours persist that such attempts are being considered. Draft resolution A/53/L.16 aims at ensuring that whenever a draft resolution on substance is advanced, the constitutional requirements stipulated for Charter amendments must be faithfully observed. Thus, the purpose and philosophy of draft resolution A/53/L.16 is — and I would emphasize this — to uphold the Charter requirements contained in Article 108.

It was for these considerations that the heads of State or Government of the Non-Aligned Movement reaffirmed in Durban the position of the Movement with respect to the decision-making threshold in the General Assembly, as reflected in this draft resolution. Allow me to underline this basic fact in no uncertain terms. Draft resolution A/53/L.16 is a faithful reproduction of paragraph 65 of the Final Document of the Durban summit. This is a fact that we all have to reckon with.

Thirdly, without draft resolution A/53/L.16 it is possible for an element of a Charter amendment on Security Council expansion and reform to be adopted by the General Assembly with as few as 70, 80 or perhaps fewer votes. Clearly, as I pointed out at the beginning of my statement, that would be contrary to the letter and the spirit of the Charter. It should also be recalled, in this context, that a certain proposal by the President of the General Assembly at its fifty-first session advanced what has been called a two-step approach. If it were not for such a proposal as the one that has become known as a framework or conceptual draft resolution, perhaps draft resolution A/53/L.16 would not have been proposed.

The Charter envisages a one-step approach. Indeed, the Charter cannot be amended unless the provisions or Article 108 are fully followed and observed. In this context, it should be recalled that the one single precedent with respect to the expansion of the Security Council took place in 1963, when Articles 23 and 27 of the Charter were amended. These amendments were adopted by the General Assembly on 17 December 1963 and came into force on 31 August 1965. The Assembly voted on a draft resolution which later became an amendment. No attempt was made then to produce a first step and a second step, a framework draft resolution or a conceptual draft resolution. Only a single resolution was adopted.

Fourthly, some views were expressed that this issue has already been discussed in the Working Group and that it should be continued to be discussed in that forum.

The response of the sponsors to that view is that draft resolution A/53/L.16, by virtue of its procedural nature, does not prejudge any substantive question relating to the reform and expansion of the Security Council discussed in the Working Group, nor is it aimed against the aspirations of any region or any Member State. Indeed, draft resolution A/53/L.16 reiterates in its operative paragraph 3 that the Open-ended Working Group shall continue its work in 1999 in order to examine all proposals. Moreover, all of us who followed the deliberations of the Working Group last session can testify to the long time spent on the discussion of many of the procedural issues. In point of fact, the adoption of draft resolution A/53/L.16 will breathe life into the process of Security Council reform, as the clarification of the decision-making threshold in the Assembly will provide new impetus to our work in the Open-ended Working Group and will allow the Working Group to concentrate its time on the substantive questions related to the reform and expansion of the Security Council.

Fifthly, the possibility exists that some will seek the procedural path to confront draft resolution A/53/L.16 by alleging that its adoption requires a two-thirds majority. The sponsors will oppose any such attempts because draft resolution A/53/L.16 is of a purely procedural nature.

Sixthly, as to the concern about the meaning of the phrase "any resolution with Charter amendment implications", let me allay all concerns. That phrase, which is found in operative paragraph 2 of the draft resolution, refers to any resolution on the question of equitable representation on and increase in the membership of the Security Council and related matters which contains criteria for, or elements to be incorporated in, an amendment to the Charter or that lead to the possible adoption of amendments to the Charter. I think this is an important point because we understand that some delegations had some concerns on this particular matter.

For all of these considerations, I submit draft resolution A/53/L.16 on behalf of the sponsors in the hope that it will be adopted without a vote.

*(spoke in Arabic)*

I shall now make a statement in my capacity as representative of Egypt.

We are continuing our consideration of one of the most important items on our agenda: the question of equitable representation on and increase in the membership of the Security Council and related matters. Many of those who will speak on this item will probably be reflecting the importance of this question to all United Nations membership. This is natural and logical. Not only does this item concern reform of our international Organization, but it goes even further, addressing the restructuring of the contemporary international order itself.

The heads of State or Government of the Non-Aligned Movement have attached particular importance to this matter because of its sensitivity as well as its possible long-term repercussions. It affects the philosophy of the international system, the balance in international relations in general and the role of the United Nations and its credibility, in particular. Accordingly, the heads of State have stressed that this process should not be restricted to an imposed time-frame.

In spite of the importance accorded to this item as deserving of urgent attention, it could not be decided upon in the absence of a general agreement on it. That general agreement was reaffirmed in a resolution adopted by the forty-eighth session of the General Assembly establishing the Open-ended Working Group. In view of that resolution and in recognition of the importance of reaching a general agreement on this important question, the heads of State or Government of the Non-Aligned Movement reaffirmed the fact that any resolution with any implications of relevance to the Charter amendment had to be adopted by a two-thirds majority, as set out in Article 108 of the Charter.

I spoke in detail about this issue when I put forward the draft resolution on behalf of the sponsors, and I will not do so again. However, any draft resolution in the General Assembly containing anything relating to an amendment of the Charter either now or in the future, should be considered as constituting an amendment to the Charter requiring two-thirds majority.

In line with this concept, set forth in the Charter, any attempt to enshrine such ideas, regardless of what they are called, must be subject to the stipulations of Article 108. This is the only conclusion which accords with the Charter, in letter and spirit. This is also what the Non-Aligned Movement has put forward, and what Egypt is committed to. That is why we are co-sponsoring this draft resolution.

I would like to ask the following question: Who would benefit by contravening a resolution that calls for relate to amendments? Is not the honest response to this question that whoever tries to do so is trying to evade the provisions of the Charter that deal with amendments, and that such evasiveness is due to the fact that at present no two-thirds majority exists for the adoption of any amendment to the Charter?

Let me now turn to the question of reform of the Security Council. Our Minister for Foreign Affairs, Mr. Amre Moussa, has already referred to the restructuring of the Security Council in his statement before the General Assembly. In his statement, he detailed the bases for the Egyptian position on the restructuring of the Security Council. These form the very bases of the Non-Aligned Movement's position: namely, that the reform of the Security Council and its expansion should be included in a single and integrated framework, in one transaction.

I should like to reaffirm that reforming the methods of work of the Security Council is no less important than the question of expansion of its membership. In fact, Egypt regards the latter as more important. It could even be said that discussions in the Open-ended Working Group have demonstrated that there is a narrowing of the differences in views relating to reforming the methods of work of the Security Council. We think that when the Working Group resumes its work next year, it should continue to attempt to build on that narrowing of differences and to translate it into clear provisions when it resumes its work next year.

In this context, allow me to refer to the paper presented by the 10 non-permanents in the Security Council in December 1997. Those States called for a review of the Council's provisional rules of procedure which last were amended in 1982. Even the provisional rules of procedure of the Council have, in reality and from a practical standpoint, become paralysed and non-applicable because the work of the full Security Council is done through informal consultations. In fact, the Security Council now works in the absence of the legal framework represented by the provisional rules of procedure.

Let me now turn to the question of the veto, which for historical reasons is held by a limited number of Powers. Fifty years have elapsed since the establishment of the Security Council, but the scope of the applicability of the veto has not yet been defined. Thus, the heads of State or Government have, for 20 years, called for a review of the veto. In 1995 at the Carthage summit and again in 1998 at the Durban summit, they stated that efforts must be made to democratize the United Nations and that the use of the veto should be restricted as a prelude to its eventual elimination. The Durban summit specifically referred to the need to amend the United Nations Charter in order to restrict the veto right to matters that fall under Chapter VII of the Charter.

The Working Group has echoed that opinion, and several documents have been submitted in that connection. Restricting the veto right would be a step in the right direction. This matter should be taken up by the Working Group next year.

Let me now refer to the expansion of the membership with a view to rectifying the imbalance in representation on the Council. No better evidence exists to demonstrate this imbalance than the fact that the Non-Aligned Movement, comprising 114 Member States — approximately two thirds of the membership of the Organization — is now represented on the Council by only four States. Therefore less than one third of the membership of the Council represents 114 Member States. We think that any review of the membership should take that fact into account and that reform should be carried out on the basis of equitable geographical distribution and in the principle of equal sovereignty among States.

In this regard, Egypt supports the position of the Non-Aligned, which calls for a membership increase of no less than 11 States and would not accept any selective or partial expansion. We also support what was adopted at the Harare summit of African heads of State last year as regards the allocation of five non-permanent seats and two permanent seats to Africa, to be assigned on a rotating basis in accordance with criteria agreed upon by the group of African States. Discussions in the Working Group on the expansion of the Council have demonstrated that there are differing views among States, particularly with regard to increasing the number of permanent members of the Council. Several problems emerged which impede agreement on these issues for the present. These include the naming of States which are qualified to fill these seats or to alternate in occupying them. Also, there are problems on an agreement regarding the criteria to be followed in selecting such States and the possible negative impact if the number of States with permanent membership and thus veto power is increased. We should also refer to the view which is generally opposed to the principle of bestowing the veto power on any State or group of States without clear limits being set on the use of the veto. This reality demonstrates the need for more time to give this issue objective and careful consideration.

The Open-ended Working Group is undoubtedly the proper place for such consideration.

In order to highlight the convergence of views in the Working Group, let us recall the fall-back position of the Non-Aligned States, as presented in the 1995 paper, namely, that if agreement is not reached regarding categories of membership, then the expansion should be limited for the present to the non-permanent seats. This does not preclude the possibility of continuing discussion of ideas relating to expansion of the other categories, which should proceed in an objective manner with a view to reaching a satisfactory conclusion.

The General Assembly, when adopting decision 52/490 by consensus last August, agreed that the Working Group would continue to work during this session. We do hope that what we have said will be considered at the resumed session of the Working Group. The Assembly can rely on Egypt to work towards the achievement of this goal.

In conclusion, allow me to express Egypt's hope that draft resolution A/53/L.16 can be adopted by consensus. We hope that the General Assembly will take the initiative of adopting the necessary draft resolutions as speedily as possible.

I apologize for having spoken at such length.

**Mr. Yel'chenko** (Ukraine): My delegation takes note of draft resolution A/53/L.16, submitted under agenda item 59, and of its introduction by the representative of Egypt. We also take note of the amendments to this draft resolution contained in document A/53/L.42.

In view of this, let me set the record straight. Since we are all aware of the fact that there is still no consensus on these proposals, it is very important to do everything possible to avoid bringing them to a vote.

It is not the contents of the proposals that are the major reason for our concern. Both proposals contain elements that we greatly support, although our delegation believes that the formulation of them could be further improved. However, at this stage we have no intention to comment on their substance.

Nor is it the emergence of draft decisions relating to the Security Council reform that is causing our unfavourable reaction. We recognize the acute need for stimulating injections that could advance the decision-making process, and it would be a welcome development if the submitted proposals contributed to this goal.

What we disapprove of here — if the word "disapprove" is strong enough to adequately reflect the reaction of my delegation — is the fact that a vote on these two proposals would undoubtedly lead to undesirable confrontations among Member States and destroy the atmosphere of confidence that we managed to restore during the previous session of the General Assembly.

In this regard it must be recalled that last year the General Assembly was facing almost the same situation; however, its President discerned from the very beginning the damaging consequences that would result from the proposals being considered in plenary. His energetic efforts helped to avoid confrontation and led to agreement that the Assembly would not take any decision on this item. Such a solution to the problem was highly appreciated by all delegations, including the co-sponsors of the submitted proposals.

The precedent of the previous session proved that there is a way of avoiding unnecessary conflict situations. If my understanding of the established practices of the General Assembly is correct, then we must proceed first with a debate on this agenda item; only after that would we consider the above-mentioned proposals. Therefore delegations will have time to consult further with a view to reaching common ground on the matter.

My delegation feels with absolute certainty that the consensus the Assembly is seeking on the substance of Security Council reform will be problematic to achieve. It is a regrettable fact, but it is better to admit it than to be misled by unrealistic expectations. The implication is that one day the Assembly will inevitably face a vote on these matters.

At the same time, we are equally convinced that it may become possible to achieve consensus on the ideas contained in draft resolution A/53/L.16 and its amendments — and I would like to stress that we must achieve this consensus. If common sense and political wisdom lead to the holding of additional consultations in order to reach a unanimous decision on the proposals, the delegation of Ukraine will be ready to contribute to these efforts by advancing a number of concrete suggestions.

Having said this, I would now like to make my delegation's contribution to the debate on the agenda item under consideration.

It is indisputable that we are witnessing very active and unremitting interest in the item under consideration. This interest should be regarded first of all as a reconfirmation of the refusal of the vast majority of the United Nations membership to accept the long-standing status quo in the organ entrusted with the primary responsibility for the maintenance of international peace and security.

Twenty years have elapsed since the inclusion of the issue of Security Council reform in the agenda of the General Assembly. For five consecutive years, various aspects of this reform have been thoroughly discussed within the Open-ended Working Group mandated to deal with this matter. As far back as three years ago, Member States undertook the commitment that the Security Council should

> "be expanded and its working methods continue to be reviewed in a way that will further strengthen its capacity and effectiveness, enhance its representative character and improve its working efficiency and transparency". *(resolution 50/6, Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, para. 14)*

However, as we meet at this fifty-third session of the General Assembly, we have to admit that the fundamental question — how to advance from the Security Council which we have now to an organ which is more representative and transparent but not less efficient — remains unanswered. Many of us, including my own delegation, find it difficult to conceal our deep disappointment over the apparent stalemate in the decision-seeking process.

Nonetheless, Ukraine's firm position on the need for a reformed Security Council also remains unchanged. There are a few reasons for this. On the one hand, Ukraine has an immediate national interest in this endeavour, which has a direct relationship to considerations of national security. We must strengthen the capacity of the Security Council as the most reliable and effective guarantor of international relations free from any form of coercion or use of force, of the settlement of international disputes only by peaceful political means and of energetic collective action always being taken in order to avert any development endangering national sovereignty or threatening global stability.

On the other hand, my country does not want to remain apart, as a mere customer of security produced by efforts of the international community. Offering our contribution to the generation of global security is a top priority of our foreign policy today. The same reasons which compelled Ukraine to decide to seek election next year for non-permanent membership in the Security Council for the period 2000-2001 explain our determination to secure an additional non-permanent seat for the Eastern European Group in the enlarged membership of that very important organ of the United Nations.

I am confident that the relevant interests of the overwhelming majority of Member States on the need for this reform are identical or similar to those of my country. It seems that practically nobody questions the urgency of such reform as the only means to ensure that the Security Council continues to function in the next century as a supreme international authority dealing with matters of peace and security.

Should our frustration on the slow pace of this reform discourage us from the endeavour to continue to search for generally acceptable outlines of the solution to this fundamental issue? My delegation's clear response would be "No". This reform is worthy of unsparing and strenuous efforts; it must advance on the road to this goal — step by step, inch by inch. That is why we very much value the contribution in this reform exercise made by the Open-ended Working Group during the previous session of the General Assembly.

Although the outside world has not witnessed an expected breakthrough in the efforts to bring the reform process to fruition, the Working Group managed to consider all of the issues bearing relation to the transformation of the Security Council in the most comprehensive, structured and exhaustive manner. The results of this important work are accurately reflected in the annexes to the report of the Working Group.

I cannot help expressing our pride that your predecessor, Mr. President, who is our countryman, made an essential personal contribution, with the constructive support of practically all delegations, to creating a favourable and stimulating atmosphere allowing us to continue this job with new enthusiasm, determination and energy.

We also wish to acknowledge the very instrumental efforts of Ambassadors Breitenstein of Finland and Jayanama of Thailand, the former Vice-Chairmen of the Open-ended Working Group. We were impressed with their dedication to the accomplishment of the Working Group's mandate. We hope very much that the Working Group, as it resumes its work during the current session, will continue to derive benefit from their exceptional expertise and unrivalled competence in the matter.

The fifth year of deliberations within the Working Group produced conclusive evidence that the time for academic debates and sterile discussions is over. Otherwise, we are doomed to continue this endless exercise without reaching a goal. The President of the General Assembly at its fifty-second session, in his very frank and, in our view, objective evaluation of the overall situation in the decision-seeking process, which he gave on 24 August 1998, came to exactly the same conclusion. As he rightly said,

> "If there is still a need for something to be explored after five years of intensive discussions, perhaps it is our ability to see beyond our national interests and our aptitude to measure this reform against the historical imperatives of today's world." *(A/52/PV.91, p.7)*

Therefore, the most feasible way to break the impasse in this process is to start a qualitatively new stage of deliberations in the Working Group which should be focused on discussing comprehensive blueprints for an eventual decision on the substance of the Security Council reform. Due to the existence of irreconcilable differences, and even mutually exclusive concepts about the reform, it is obvious that the first drafts of such blueprints cannot be prepared within the format of the Working Group. However, it is the Working Group that has to discuss the merits of these proposals after their emergence. My delegation insists that actual negotiations should be conducted in a spirit of utmost transparency and within the confines of that body.

It is clear that, in the end, these blueprints should be put to the test in the General Assembly. In this respect, my delegation associates itself with the broadly upheld approach that substantive decisions on the issue of enlargement of the Security Council and reform of its methods of work — even if they do not contain immediate proposals for amendments to the Charter — must receive as much support as possible, and certainly not less than a two-thirds majority of the United Nations membership.

My delegation believes that the adoption of a resolution which prescribes a two-thirds majority of the United Nations membership as a required voting threshold for such decisions would be the right step to bring us closer to the fruition of this reform.

However, as I emphasized at the beginning of my intervention, it is the strong conviction of the delegation of Ukraine that such a resolution has to be adopted by consensus, and there is every reason to believe that this consensus is possible.

**Mr. Tanç** (Turkey): Security Council reform continues to constitute one of the most important and daunting tasks before this world body. We cannot lose sight of the fact that the outcome of this process will have long-term implications for both the Organization and all Member States for many years to come. It is therefore incumbent on each and every one of us to weigh our choices with prudence and to avoid premature decisions that would compromise the potential for genuine reform.

From the very outset and throughout the years that we have been discussing this question, Turkey has reiterated its support for a genuine and comprehensive reform of the Security Council. We continue to maintain that such a reform must address the needs of the Organization, correspond to the justified expectations of the entire membership and reflect the fundamental changes that have reshaped the international political landscape.

We subscribe to the view that the principle objective of this exercise must be to render the Council more efficient, effective, representative, democratic and accountable. We share the general desire of the membership for the enhancement of the representative character of the Council and for greater transparency and democratization in its working methods. We also believe that an enlargement of the Council alone would fall short of ensuring a more equitable and representative participation in its work, and we therefore advocate a fair and workable system of rotation.

Over five years of discussions on the issue have clearly revealed that the reform the Council is in order as a matter which deserves urgent attention. Our debate in the Open-ended Working Group this past year enabled us to cover significant ground on an important aspect of the reform relating to the improvement of the working methods of the Council. The greater part of the proposals put forward and contained in the annexes of the report of the Working Group bear testimony to the wide convergence of views on the need for more transparent and democratic procedures. However, the same debate equally underscored that deep divisions continue to persist on the modalities of the envisioned reform. It appears that we remain far from a recipe for enlargement that would the command general agreement which is imperative for reform of this nature.

We regard the Open-ended Working Group as the only appropriate forum for our endeavours. This is why we support the continuation of the work of the Group.

We strongly feel that this undertaking, the most serious in years, to enhance the role and moral authority of the Council cannot be rushed to meet an imposed deadline, particularly when it is abundantly apparent that Member States require further time in order to find solutions that would meet the expectations of the largest segment of the United Nations membership — in other words, before a general agreement can emerge.

We have at no time been opposed to the aspirations of any Member State in this process. However, we believe in the underlying principle of the matter. The collective will of the membership of the United Nations on such a crucially important issue should not be disregarded. Reform of the Security Council should not be used as a means to further the interests of a few to the detriment of the majority. This is certainly not how we interpret the objective of this exercise. The reform of the Council must be realized in conformity with the democratic ideals that we stand for.

This brings me to the fundamentally important aspect of the issue: the majority required for decisions to be taken on Security Council reform. Turkey has consistently maintained that any resolution with Charter-amendment implications must be adopted by the two-thirds majority of the entire United Nations membership referred to in Article 108 of the Charter. In fact, a very large majority of Member States have clearly expressed their support for this approach during the deliberations of the Working Group this year, not to mention the fact that this is also the articulated position of the Non-Aligned Movement. Common sense dictates that it is simply not conceivable that a reform of such consequence could be realized by the support and consent of less than 124 Member States. How could legitimacy be served by anything less than this threshold?

It is in line with the considerations outlined above that my country has co-sponsored draft resolution A/53/L.16. Essentially a procedural draft resolution, A/53/L.16 intends to establish that any decision which will certainly result in the amendment of the Charter must be based on a credible majority and faithfully represent the collective will of the membership of the United Nations. It in no way or manner prejudges or prejudices the outcome of the reform process. It will simply ensure that the enlargement of the Security Council is realized on a valid and solid foundation of support. We believe that its adoption by the General Assembly at the conclusion of our debate on this item will serve to provide a new impetus for the process of Security Council reform.

**Mr. Amorim** (Brazil) (*interpretation from Spanish*): Allow me to offer a few words of appreciation to you, Sir, since this is the first time that you and I have been in the General Assembly Hall together. It is important to me to convey our high esteem for your country, Uruguay. We are convinced that you are doing and will do your best to ensure that consensus is reached on the procedures governing our work. We are sure that we can count upon your wisdom to achieve that end.

(*spoke in English*)

Security Council reform has been a shared aspiration and a common goal of the entire membership of the United Nations for most of the present decade. It was brought to the forefront of the Organization's agenda by a representative cross-section of delegations that included several developing countries, which seized the historic opportunity opened up by the end of the cold war. The objective was essentially a simple one and it appealed to all United Nations Members. It remains just as simply today: By making the Security Council more representative and accountable, we would be increasing its legitimacy and its authority, thereby setting the stage for enhanced multilateral cooperation in the construction of a more just and peaceful international order.

Resolution 47/62, adopted by consensus on 11 December 1992, set the process moving by inviting Member States to present their views on the matter, while recognizing the changed international situation and the substantial increase in the membership of the United Nations.

The following year, resolution 48/26 of 3 December 1993, also adopted by consensus, recognized the need to review the membership of the Security Council and related matters in view of the substantial increase in the membership of the United Nations, especially of developing countries, as well as the changes in international relations. This was the resolution which, as we all know, established the Open-ended Working Group.

The first report of the Working Group to the General Assembly concluded that there was a convergence of views that the membership of the Security Council should be enlarged. At the same time, it stated that the scope and nature of such an enlargement required further discussion. In those days, there were still a few delegations which believed that it would be possible to promote a reform based on discriminatory distinctions between the North and the South. The developing world stood together in denouncing such inequitable approaches as fundamentally incompatible with our objectives.

By the fiftieth session of the General Assembly it had become clear that in the event that there were agreement for an increase in the permanent membership, an increase involving only industrialized countries would be widely regarded as unacceptable, as observed almost verbatim by the Vice-Chairmen in their assessment of the debates.

During the first weeks of 1997 the Vice-Chairmen of the Working Group invited representatives of all United Nations Member States to informal private consultations, either individually or in small groups, covering a total of 165 delegations, in order to get a general feeling for where things stood overall, as well as on specific issues. Of particular significance was the fact that

> "An increase in both permanent and non-permanent categories of membership in the Security Council was supported by a very large majority of those interviewed" (*A/51/47, annex VII, para. 6*)

and that most of these wanted

> "permanent members to come from both developing and industrialized countries". (ibid.)

When the Working Group was presented with a proposal by the President of the General Assembly, its content reflected to a very large extent the findings of the two Vice-Chairmen. Most important of all, this proposal did not discriminate between developing and industrialized countries and suggested a fully democratic system for the selection of new permanent members by the General Assembly, and of course the rules of the General Assembly would apply. It also included a number of other provisions on decision-making and working methods that struck a reasonable balance between the more idealistic suggestions advanced in the Working Group and what was realistically possible.

This brief recapitulation of some of the more important steps in our common effort to define the contours of a reform package acceptable to the largest possible majority brings us to today's debate. We now have before us the fifth report of the Working Group to the General Assembly. In many ways the Working Group seems to have come full circle. It is once again under the stewardship of a President of the General Assembly from the Latin American and Caribbean region — the Minister for Foreign Affairs of Uruguay — after having been placed under the guidance of representatives of countries from all United Nations regional groups: Guyana, Côte d'Ivoire, Portugal, Malaysia and Ukraine.

But it has also come full circle in a more problematic sense. Its latest report does not present any significant sense of direction or a more precise focus. It is in fact a compilation of documents. Some might argue that the Working Group has outlived its usefulness. Nonetheless, the Working Group has decided to prolong its activities for yet another year, taking into account the progress achieved so far and the views expressed during this debate.

Our own view is that the extensive work carried out under five successive Presidents of the General Assembly has already produced a sufficiently solid foundation for negotiations to begin on a reform package. In due course a comprehensive resolution addressing all the elements of a reform package will have to be considered by the General Assembly.

We all know what the parameters of such a package are, since they are all contained in the findings of the consultations of the two Vice-Chairmen. Although differences still exist in relation to one or another aspect, it is absolutely clear that the vast majority of States — and, indeed, most scholars and think-tanks that have studied the subject from an independent perspective, as well as the world at large — agree on the need to change the existing imbalance and lack of representativeness of the nucleus of the Security Council, namely, the composition of its permanent members, by bringing it into line with world realities, especially the expanding role of developing countries in the international maintenance of peace and security. It is unfortunate that the hesitation of some with respect to the question of the total number of members in an expanded Council is preventing us from engaging in final negotiations.

There can be no justification for indefinitely prolonging our discussions. It would be most regrettable if the United Nations were to look back at the 1990s as a decade of lost opportunities. If we wish to complete the reform process which was so successfully initiated by Secretary-General Kofi Annan during the last session of the General Assembly, we must not allow that to happen. We should start to envisage a temporal horizon for our efforts to bear fruit. The end of the millennium is approaching, and as Mr. Annan has stated in his latest report on the work of the Organization,

> "In the countdown to the new century, we must carry forward the reform programme I initiated last year, and Member States must engage those reforms that lie within their purview with greater determination and vigour." (*A/53/1, para. 236*)

I am convinced that we are capable of facing the challenge that we freely presented ourselves with when we adopted resolution 48/26 by consensus five years ago. And it is precisely in a spirit of consensus-building that I wish to dedicate the remainder of my speech today to the draft resolution contained in document A/53/L.16.

The proponents of this text share a concern which in itself is legitimate. They do not wish to be surprised by a draft resolution that will confront the General Assembly with a reform package that has not been previously negotiated in a sufficiently open and democratic manner. Neither do we. They are worried that under the voting procedures established by the Charter and by the rules of the General Assembly such a package might be adopted by a majority that does not necessarily meet the standard of "general agreement" referred to in resolution 48/26. So are we.

The solution being proposed, however, would, if adopted, introduce a major change in the procedures of the General Assembly and actually modify the United Nations Charter itself. According to Article 18 of the Charter, General Assembly resolutions are voted either by simple majority or by a two-thirds majority of members present and voting when important issues are at stake. Not even a matter as serious as the expulsion of a Member State from the Organization activates a different majority. The majority mentioned in Article 108 applies to Charter amendments. To suggest that the majority foreseen in Article 108 should apply, as a legal framework, to resolutions with Charter amendment implications is to propose to amend the Charter, which, I repeat, does not, in its present drafting, contemplate such a third kind of resolution. If we were to follow the logic of draft resolution A/53/L.16 itself, such a proposal would need to be ratified by the majorities foreseen in Article 108, since this same draft resolution is actually interpreting, if not changing, the Charter. But that, of course, is not being contemplated. In this respect, draft resolution A/53/L.16, as presently drafted, is in itself contradictory.

More importantly, however, we should ask ourselves very honestly whether we want to embark on such a momentous change of the basic standards set by the Charter for adoption of resolutions of the General Assembly. Let me be clear: the legal implications of the draft resolution contained in document A/53/L.16 as now written go beyond Security Council reform and could very well be used, in the future, to create obstacles for the advancement of important causes such as sustainable development, the status of certain entities, norms for solving conflicts and the like. We are convinced that these legal implications, which are extremely worrisome, have not been as carefully examined as they must be. In other words, what some delegations view as a possible insurance policy against an insufficiently pre-negotiated framework for Security Council reform is itself a problematic and insufficiently examined proposal for amending the Charter and the General Assembly's rules of procedure.

Given the assurances which you have received, Mr. President, to the effect that no reform package or any other kind of substantive resolution will be presented during our consideration of agenda item 59, I believe that there is room for reaching an understanding that would help us avoid unnecessary confrontation in the Assembly Hall. I would therefore join others in urging you to continue to carry out consultations, and even intensify consultations, aimed at addressing this question in a manner that is satisfactory to all, preserving consensus.

It is in this spirit that my delegation has joined the sponsors of the amendments to draft resolution A/53/L.16. I believe that the Permanent Representative of Belgium will introduce them, so I will not go into them at any length. Permit me to say, however, that these amendments have been carefully designed to deal with the legitimate political concerns that led to the presentation of draft resolution A/53/L.16, while at the same time avoiding its legal pitfalls.

Let me call attention to the new operative paragraph 2, which deals precisely with an issue the Ambassador of Ukraine has just mentioned and which is also of concern to many other delegations: the fact that the general agreement envisaged in the resolution that created the Working Group is an agreement by at least two thirds of Member States. Recognizing this political fact and having a political understanding on it does not prevent us from seeing the legal flaws in draft resolution A/53/L.16 as presented.

Allow me to add another word on something my good friend Ambassador Elaraby of Egypt mentioned here today, which has to do with the two-stage approach. He reminded us that the last time the Council was reformed, to increase the number of non-permanent members in 1963, it was by a one-stage approach. May I take this opportunity to remind him that in this particular case we are already embarked not only on a two-stage approach but actually on a three-stage approach. We first decided to consult with Member States, in resolution 47/62, and then decided to create the Working Group, in resolution 48/26, so actually we are already now, in the Working Group itself, in the third stage. It is not a question of our having a two-stage approach.

In fact, if draft resolution A/53/L.16, as presently drafted, had existed before resolution 48/26 was adopted, no Working Group would probably ever have been created, because that resolution, may I remind the Assembly, was adopted by consensus. There was no roll call, no one knows how many people voted for it, and actually someone might have argued at that stage — we would not agree, but someone might have argued — that the very notion of general agreement has a Charter amendment implication.

I merely wish to call the Assembly's attention to the danger of the expression "Charter amendment implication", which in the future can be used, and especially by the developing countries, for purposes of our own. It can be raised in connection with matters such as sustainable development. It can be raised in connection with matters relating to norms for resolving conflicts. It can be related even to more specific matters which I know are of interest to the great majority of members of this Assembly, including my own country. Again, the matter of Charter amendment implications goes far beyond the Security Council, and that is something that we have to bear in mind.

Speaking as a founding member of the Rio Group, let me recall that the Declaration on the strengthening of the United Nations and the reform of the Security Council, adopted on 24 August 1997 by the Asunción Summit in the Paraguayan capital, underlined that Security Council expansion, as far as Latin America and the Caribbean are concerned, requires "a process that is not only legally sound, but also politically legitimate". What the proponents of the amendments seek to do is precisely to reconcile the legitimate political concerns of some or all of the proponents of draft resolution A/53/L.16 with a sound legal basis. In the name of our commitment to international law, we believe it is our duty to ensure that we do not rush to adopt texts of questionable legal standing, such as the draft resolution contained in document A/53/L.16, as currently written. We will remain ready to enter into a constructive dialogue in order to look for alternatives which do not carry with them such objectionable and — I am sure — unintended side-effects.

I am confident that in your wisdom, Mr. President, and as the representative of a country that rightfully takes pride in its solid legal tradition, you will steer us away from a course which carries with it the potential for serious destabilization not only of the Security Council reform process but of the work of the General Assembly for years and years to come.

Before concluding, let me place on record my words of respect and admiration for your predecessors, Mr. President, as well as for the extremely dedicated and competent work carried out by the two Vice-Chairmen of the Working Group. Ambassadors Breitenstein and Jayanama have demonstrated the highest degree of professionalism in tackling a sensitive and complex issue, and they have greatly contributed to ensuring that our debates in the Working Group were kept on a rational track.

**Mr. Ka** (Senegal) *(interpretation from French)*: For the fifth year in a row, the General Assembly will consider the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council.

At the outset, I would like to emphasize that this year once again, and even more than in previous years, the impression that we are simply marking time on this difficult and complex exercise prevails, despite the impressive number of relevant proposals, the force of the convictions involved and the weight of the arguments. This feeling of powerlessness, and even discouragement and frustration, regarding the achievement of the much-desired reform of the Security Council, through consistent and comprehensive approach, is the result of the many differing points of view on finding a consensus or a general agreement on the scope of this restructuring, which, in our time, is the missing link in the overall process of the reform of the United Nations.

The difference of opinion on the composition of the future Council lies between those who, on the one hand, for the sake of efficient functioning, advocate a Council of 21 members, and those, on the other hand, who advocate a necessary democratization of its representation and consequently propose a Council whose membership is increased to 26. It is obvious that the majority of States would not want an enlargement of the Council to only 20 or 21 members divided between the two categories of seats. In order to enable us to make progress, my delegation believes that we should step up our efforts and continue our consultations with a view to finding a dynamic compromise on a number that might draw our positions closer together and meet the requirements of democratization, legitimacy, representativity and effectiveness in the Council.

In connection with increased membership, there are also differences between those who advocate an expansion in both categories and those who, if an impasse is reached, would favour an expansion limited only to the category of non-permanent members. Taking into account the new contours of international relations since the end of the cold war and the fact that the broad majority of Member States of the United Nations are from the South, and in order not to miss the opportunity offered today for African countries in a new reform of the Security Council, my delegation believes that the expansion of the Council should involve both categories of seats, permanent and non-permanent.

Finally, there are differences with regard to the delicate and complex question of the veto, an essential decision-making mechanism. This issue has been much discussed in our negotiating sessions in the Working Group, and we can draw one conclusion: the vast majority of States believe the veto to be an anachronistic and discriminatory right and advocate limiting the scope of its application with a view to its gradual elimination. If the use of that right were limited, those States could more easily accept the veto as being more acceptable morally and politically.

However, because of the repeatedly reaffirmed positions of the five permanent members, which are not disposed to accept the principle of the elimination, or even of a reduction, of their powers within the Council, realism must henceforth guide our actions.

In order to get beyond the current impasse, therefore, my delegation believes that the only way open to us is to begin a substantive debate on the question of the veto with the permanent members to enable us to arrive at mutually agreed arrangements with regard to the application of that right, the exercise of which should extend to all permanent members, both old and new.

I have already elaborated upon and clarified this proposal here and in the Open-ended Working Group. We could revisit it again during the resumed work of the Open-ended Working Group.

The differences that I have just enumerated give us a good idea of the importance of what is at stake with regard to Security Council reform. The Council's status as a centre of power and decision-making gives it a privileged and enviable place within the United Nations system. This explains and accentuates the difficulties of reforming that body.

Throughout the many meetings of the Open-ended Working Group, we all benefited from the valuable contributions of several delegations and groups of countries, all of which provided help, guided us and fostered within the Open-ended Working Group a momentum that today is enabling us to continue the exercise of reforming the Council.

Have we not already achieved broad agreement on the modalities for improving the working methods of the Council, and is that not proof that greater understanding can lead us to greater progress? Discussions within the Open-ended Working Group have surely also shown that we can arrive at a broadly agreed position on a credible mechanism to review the functioning of the Security Council.

It remains for us to put this into practice — to capitalize on the momentum so as to translate it into action. In order to do so, we should try to provide guidelines to direct us in our work and above all to help the Chairman of the Open-ended Working Group in its future work.

The joint African proposal thus gains its true meaning within this positive effort at global thinking. Since being adopted in 1994 in Tunis and confirmed at the 1997 Harare summit and the 1998 Ouagadougou summit, it has been widely presented by African delegations during various sessions of the Working

Group. I shall not, therefore, go back over its powerful and interesting ideas.

However, I should like to reaffirm that, in order to correct the existing imbalance, which works against them, the States members of the Organization of African Unity are claiming the right to two permanent and two non-permanent seats. To that end, they have suggested that the occupancy of the permanent seats should rotate according to a system that I had the honour and privilege to submit to the Working Group last July, immediately after the Ouagadougou summit. That formula for rotating permanent seats has the dual advantage of allowing for the broad democratization of the system of representation in the Security Council while at the same time taking into consideration the overall interests of Africa. That is why we welcome the interest that it has aroused within the Working Group.

In conclusion, I should like to state a number of self-evident facts. The Security Council does not function to the general satisfaction of the Member States of the United Nations. It is therefore necessary to revise its modus operandi — a point upon which we all agree. The Security Council does not represent the Member States equitably and democratically. We must therefore re-examine its membership with a view to appropriately expanding both categories of membership. The world today is no longer the way it was in 1945, and it would be anachronistic to wish to preserve today things that were brought about by different considerations and different circumstances more than 50 years ago. In this regard, the status of permanent member, like the right of the veto and the composition of the Council, must necessarily be re-examined to take account of the new international situation.

The outcome of the Second World War in 1945 provided rights for some States and inflicted punishment on others, while Africa and a large part of Asia were still under domination. All of that now belongs to the past, but we must take it into account. We must do so in order boldly and realistically to reinvent a new Security Council — a Council that is more credible because it is legitimized by all and more democratic because it is more transparent and representative.

That is what is at stake. That is the challenge that we will have to take up during the resumed work of the Open-ended Working Group. Despite our current differences, we must be patient and show a spirit of openness and constructive innovation so as to continue our exercise and complete the work that is well under way. In doing so, my delegation believes that a compromise agreement could be reached on the ideas contained in draft resolution A/53/L.16 and the amendments presented to us. In order for us to avoid confrontation, you, Mr. President, could help us by leading the necessary consultations. The eyes of the international community are upon us, and the hopes of several continents must not be disappointed.

**Mr. Čalovski** (the former Yugoslav Republic of Macedonia): Once again we have an opportunity to comment on the role, relevance and future of the Security Council, a principal organ of the United Nations. To focus correctly on the issue, we have to have in mind all the provisions of the Charter of our Organization and the fact that it came into force in 1945, 53 years ago. We should be pleased that in 1945 the Member States adopted a Charter with a vision that continues to be the main goal of our Organization. That vision, however, is not a vision of status quo, but a vision of advancement and change. The Charter requires our Organization to lead global change. It is in that context that we should see the role and the relevance of the principal organs of our Organization — the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice and, of course, the Secretariat.

If we would like to see an enhancement of the relevance of our Organization in global affairs, if we would like to prevent its marginalization, we have to insist on the enhancement of the relevance of the role of the General Assembly and of the Security Council at the same time. Both these principal organs are responsible for the maintenance of international peace and security. The Charter has established a correct relationship between them and requires continued close cooperation between them. It excludes relations of dominance or relations between them on an unequal footing. In fact, at present the Security Council is playing a dominant role in the maintenance of international peace and security. The role of the General Assembly is, unfortunately, diminishing, which is a matter of concern and the main reason for the very slight progress to date in the effort to reform the Security Council. This aspect should be studied very carefully and studiously if we would like to record progress in future deliberations. Since the majority of Member States, the so-called silent majority, cannot have a seat in the Security Council — cannot be members — their interest in endeavours to reform the Security Council, it must be admitted, is small. However, their interest in enhancing the role of the General Assembly in the maintenance of international peace and security is huge, and their desire for a new arrangement that will make the General Assembly relevant in this field is opportune and should be supported.

To proceed, in a result-oriented manner, with our discussion on the reform of the Security Council on the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council we have to examine concepts and attitudes which are now outdated. We have to do that sooner rather than later. The globalization of political, economic, social and cultural life is forcing us to work speedily in that direction. We therefore support the recommendation of the Open-ended Working Group to continue the deliberations building upon the progress achieved so far, addressing studiously all matters related to the reform of the Council.

With regard to membership of the Security Council, there is huge confusion as to which Member States can have a seat in the Council and which cannot. We hear theses that are difficult to understand and that are based mainly on arguments which favour discrimination, and which forget that Article 2, paragraph 1, of the Charter states that "the Organization is based on the principle of the sovereign equality of all its Members".

In our opinion — one that is shared by many delegations — to have a seat on the Security Council, to be a member, is a duty and an obligation of each Member State under the Charter. The Security Council does not act in the name of a particular Member State. It acts in the name of the United Nations. According to the Charter, it acts on behalf of the Member States of the United Nations.

When States become Member States of the United Nations under Article 4 of the Charter, they undertake the obligation to be a member of the Security Council. The question of when Member States undertake that duty should be seen as a technical issue, to be decided by the State concerned. It is of paramount importance that each Member State should have the opportunity to be a member of the Security Council. No Member State should be denied that duty.

On the subject of the composition of the Security Council, Article 23 of the Charter is clearly outdated. One cannot imagine, for example, that if Member States were requested to draft a new Article 23 they could agree on a text such as the one in the present Article 23. But we have to be realistic. Although it is outdated, we cannot change it. Thus, we have to tackle the problem in a different way and find a solution on the basis of the principle of sovereign equality of all Member States, as in Article 2, paragraph 1 of the Charter. We should consider the principle of geographical distribution and fair rotation the only relevant principle for membership in the Security Council. The aim of our future deliberations should be the aim of the Charter to enable each Member State, large or small, to discharge the duty of a member of the Security Council. A new arrangement is therefore necessary. When we find an acceptable one, the General Assembly will be able to overcome the present unhealthy competition for membership and for trading votes.

To elaborate on this last point, in our view — a view that is shared by many delegations — the so-called trade of votes, or the so-called commercialization of votes for membership in the Security Council and other bodies of our Organization, has become unacceptable. The present practice is harmful for the political standing of the Organization. It should therefore be stopped. The Open-ended Working Group should consider this issue very studiously. The basis for its deliberations should be the present very good practice of the African Group for fair rotation. The effort to democratize the Security Council will not yield results if Member States are unwillingly forced to pursue their legitimate interest in becoming members of the Security Council through unpopular and undemocratic means. It is doubtful whether the Open-ended Working Group will be able to record progress next year if it does not tackle this matter. If it does not, the interest of many States in reforming the Security Council will continue to be very slight, and the Council will continue to be the organ of only some Member States.

In the future, the concepts of developed and undeveloped countries, industrial and agricultural nations, non-aligned and aligned countries, and large and small nations will not be relevant in the context of membership of the Security Council. These concepts, as we all know, are the result of a different time. Today is a time of globalization. The maintenance of international peace and security is a global affair, everybody's affair. Everybody benefits from peace and development. Everybody loses from wars, economic crises and underdevelopment. Nations are dependent upon other nations, upon each other. There is no longer any such thing as an independent economy. Every day we share the same news. We know much more about each other than we did in the past. Our vision of the future is more or less the same; we all share an aspiration to the world envisaged in the Charter. In such a situation, for your country to be a member of the Security Council it is not really relevant whether it is developed or developing, industrial or agricultural, aligned or non-aligned, large or small. The only relevant thing is whether you are prepared to discharge the duties of a member of the Security Council in accordance with the Charter. To perform that duty successfully and effectively, you do not need to have military or economic might. The decision to be a member of the Security Council is the sovereign responsibility of each Member State and should be verified at the time of election by the General Assembly. No other conditions should be entertained.

We know very well that the permanent members of the Security Council are not prepared to abandon their right of veto. But we have noticed a certain flexibility in the use of that right and in the threat to use it. We consider this a positive development. We should build on it. We should advance our effort towards a situation in which the permanent five do not abandon the right of veto but agree voluntarily to be flexible. What could be the basis of such an arrangement? In our opinion, the answer is the enhancement of the role of the General Assembly in the sphere of the maintenance of international peace and security. When the Security Council is faced with a threat of the use of the veto, it could request the General Assembly to express itself on the matter — by the required majority, of course. Such a decision by the Council should be considered as a procedural matter to be adopted by an affirmative vote of nine members. The recommendation of the Assembly should not be obligatory for the Council. The fact that, under the Charter, the Security Council has to report to the General Assembly is extremely important and relevant, and should therefore be carefully considered. Under the Charter, the Council can report to the Assembly as many times as it wants to, not only once a year as is the case now. It would therefore be important if the General Assembly adopted a declaration encouraging Security Council members to make every effort to seek consensus in the Council's decision-making process.

We note with satisfaction that there has been progress in the working methods of the Security Council. We should build on that. The results achieved so far indicate that, in spite of everything, progress and change are possible. We appreciate the present efforts of Council members to be much more transparent than in the past and to be positive about consultations with interested Member States. As the Permanent Representative of the Republic of Macedonia, I would like to state that all members of the Council have been cooperative and have been ready to help me and the other members of my delegation.

In our view, although we have not seen progress on an increase in the membership of the Security Council, the discussions so far have not been a waste of time. Delegations have had the opportunity to put forward their views and to examine their differences. As far as we are concerned, we continue to believe that the political reality of international relations and cooperation favours an increase in the membership, both permanent and elected. The solution should be achieved through political dialogue. The support of the permanent members of the Security Council is essential if we are to make progress in the future.

I would like to take this opportunity to reaffirm that the position of my delegation as stated in this Hall and at meetings of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council remains unchanged.

Let me end my statement by expressing the hope that the Working Group on Security Council reform will view its deliberations as an important part of the overall process of the reform of the United Nations and will take into account the urgency of enhancing the relevance of the General Assembly in world political affairs with regard to the maintenance of international peace and security. The enhancement of the Assembly's role will not weaken the relevance of the Security Council; it will strengthen it. We should struggle for a relevant Security Council and a relevant General Assembly if we would like to have a relevant United Nations. If we are successful in this endeavour we will avoid the present danger of the marginalization of our Organization.

**Ms. Wensley** (Australia): The large number of speakers in this debate is, as it was last year, testimony to the importance of the issue of Security Council reform. But because of this — by my calculations there are still 60 more speakers listed after me — I will be brief.

Australia's position is well known. Reform of the Security Council is overdue. Further delay and obstruction of the reform process carry a cost that can be measured in the currency of the Council's credibility and relevance and of that of the United Nations as whole. We support the expansion of the Council by giving permanent seats to under-represented developing regions, by giving permanent seats to Japan and Germany in keeping with their role in international peace and security, and by increasing the number of non-permanent seats. We support a review, after 10 years, of any new arrangements. We support a new understanding of the scope and application of the veto, and we support greater openness and transparency in the Council's working methods.

When I delivered the Australian statement on this agenda item one year ago, I said that the time for debate was over and that we needed to move to serious negotiations on concrete outcomes. It is a matter of real regret to Australia that one year later we are still waiting for those negotiations to begin. That we have not made more progress in the Open-ended Working Group is no reflection on its management.

I would like to express our appreciation to the former President of the General Assembly, Minister Hennadiy Udovenko of Ukraine, for his chairmanship. I would also like to pay particular tribute to Ambassador Asda Jayanama of Thailand and Ambassador Fredrik Wilhelm Breitenstein of Finland for their tireless efforts and, may I add, for their unceasing fairness as co-Vice-Chairmen of the Working Group. We very much regret that circumstances have arisen that prevent them from continuing in that role. The incoming co-Vice-Chairmen will have Australia's support, and it is our hope that their authority and yours, Mr. President, will help us overcome the hurdles that remain in the way of agreement on Security Council reform.

We have before us today a draft resolution, A/53/L.16, dealing with the question of the majority required for decision. This is one of a number of questions addressed in the Working Group that clearly is not yet ripe for decision. We have a number of difficulties with draft resolution L.16, not least with its references to Article 108 of the Charter, which we believe to be legally flawed. Article 108 stipulates the majority for Charter amendments, not the vague concept of Charter amendment implications. I will not dwell on this point. My colleague, the Ambassador of Brazil, has just provided what I believe to be a compelling analysis of this aspect. But I do want to underline its importance because we must protect the Charter at all costs.

Unravelling the Charter to serve a tactical convenience would be at very great cost to all of us. If, however, draft resolution L.16 ultimately is aimed at finding a way of ensuring that decisions on the reform of the Security Council are taken by the highest possible majority of the membership of the United Nations, then that is an objective that we share. If that is the objective, then we can work with the sponsors to that end. That is why Australia is joining with others in proposing some amendments. We are a sponsor of those proposals. They are designed not to oppose draft resolution L.16, but to provide a basis for compromise and consensus. We hope very much that there will be an opportunity to pursue it.

Australia's view is that this draft resolution is not yet ready for decision. Agreement may not be far away, but further consultations are needed to get us there; so we believe that action on draft resolution A/53/L.16 should be deferred while we look for compromise. Pressing for action while the prospect of consensus exists would reflect badly on all of us and on this Organization. It would create division and confrontation where it is our responsibility — and, I assume, our wish — to find agreement, and it would be, above all, destructive to our shared goal of reform of the Security Council. My delegation, for one, is ready to work energetically to avoid this.

**Mr. Tello** (Mexico) (*interpretation from Spanish*): The General Assembly is in good hands. We are sure that you, Mr. President, will put forward your best effort to ensure that the session over which you are presiding will resolve each and every item entrusted to you with strict adherence to the law, as is characteristic of Uruguayans.

In 1979, almost twenty years ago, Mexico supported the proposal of a group of countries to include in the agenda of the General Assembly an item related to equitable representation in the Security Council and increase in its membership. With the honourable exception of China, all the permanent members of the Council opposed the substantive consideration of the item by the Assembly, and, as all of us will recall, that consideration was deferred year after year.

The exercise gained new life in 1993. Mexico then saw an opportunity, as did many others, to expand the Council and to transform it into a more democratic, more efficient, more transparent and more representative organ. However, the ambitions of a few and their aspirations to join the privileged group have prevented us from moving ahead.

In 1995, convinced as we have been for the past 20 years of the need for the Security Council to reflect the increase in the membership of our Organization, we submitted a proposal whose objective was to increase by five the number of non-permanent members. That proposal, with which all are familiar, remains on the table and is consistent with the objectives that in principle we all share.

At the same time, my country still cannot understand how a Security Council with twice the number of permanent members could be more efficient or more effective. Nobody has been able to explain to us how a Security Council with an increased number of privileged members could even aspire to more legitimacy. We also fail to understand how a Security Council with more permanent members could better represent all the States that belong to the United Nations or become a more democratic organ by the mere fact of increasing the number of permanent members.

Furthermore, it is worth reiterating that were we to follow the proposals that the pretenders to the Council have been advocating, the membership of the new Security Council would turn out to be even more unbalanced and unfair than the current one. In this context, allow me to recall what my delegation has stated on different occasions. According to some of those proposals, the European Union, composed of 15 States bent on formulating a common foreign and defence policy, would have three permanent members on the Council. Almost a decade after the end of the cold war, 4 of the 16 members of the North Atlantic Treaty Organization would hold a permanent seat.

As if that were not enough, six of the States that belong to the Group of Eight would be represented in that category. If that were to be the result of our work, one might ask — and I would ask the Assembly — what happened to equity? What happened to equitable representation? And what about geographical distribution?

The concept of permanent rotating seats is one of the greatest fallacies to emerge from our deliberations. Besides the fact that the term represents a semantic contradiction, the institution itself does not hold up to serious analysis. In the current system, each of the five regional group has permanent seats, which are occupied on a rotating basis by States elected annually by the Assembly. Hence, Africa, Asia, Latin America and the Caribbean, Western Europe and other States and Eastern Europe are already permanently represented on the Security Council. To maintain that the system of permanent rotating seats would grant more privileges is pure sophism, and the belief that seats lacking a permanent occupant would magically be extended the right of veto is illusory.

This leads me to one of the fundamental issues that the Working Group needs to resolve: the right of veto. This is neither a trivial matter nor a passing fancy. Mexico shares the opinion of the overwhelming majority that regulating the scope of the veto constitutes one of the central elements in any significant reform of the Security Council. In other words, without a radical transformation in the scope of the use of this anachronistic privilege, true reform of the Security Council, to which we all aspire, will simply never happen.

Allow me to reiterate before the Assembly some of the historic considerations that I shared with the Working Group a few months ago. The position of Mexico on the veto privilege has not changed since the San Francisco Conference. The existing balance of power in 1945 forced us to accept the system of rotation agreed upon in February of that year by the leaders of the United States, the United Kingdom and the Soviet Union, the three participants in the Yalta Conference.

The prevailing political conditions at the end of the Second World War made it impossible to prevent five Members of our Organization, to whose creation we all were committed, from bypassing the principle of the sovereign equality of States in order to acquire special powers and privileges.

On 13 June 1945, the delegation of Mexico at San Francisco did not support what became paragraph 3 of Article 27 of the Charter. Its text reflects the formula agreed upon at Yalta by the three victorious powers of the Second World War. It is worth recalling once again that that provision was not adopted unanimously; the result of the voting was 30 in favour, two against, 15 abstentions and three absent, which proves that even then the idea of granting privileges to a few did not enjoy unanimous support.

Despite his opposition to the very concept of the veto, the representative of Mexico explained that he had abstained owing to the fact that the representatives of the four sponsoring Powers and France had stated that if the voting procedure agreed at Yalta were not accepted, it would be impossible to adopt the Charter creating the international Organization.

We were told in no uncertain terms at San Francisco that if the veto was not granted, there would be no United Nations. We were driven by the strong desire to create an Organization that would, in the words of the Charter, "save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind".

Even before that historic vote, many doubts had been voiced concerning the privilege that the victorious Powers were considering giving to themselves. Indeed, in 7 June 1945, the four sponsoring Governments, as the United States, the United Kingdom, the Soviet Union and China were known, issued a joint statement on the voting procedure in the Security Council in reply to a questionnaire addressed to them by the other participants.

That joint statement of the four, to which France associated itself, did not satisfy the rest of the countries, since the future permanent Members did not fully respond to the questions put to them and furthermore gave an excessively broad interpretation to the powers that they were soon to acquire.

It is noteworthy that in view of its shortcomings, the joint statement could not be included in the Charter of the United Nations not does it appear in any other legally binding instrument. It is not a document accepted by the Members of the United Nations.

At the San Francisco Conference, the delegation of Australia proposed an amendment to the Yalta voting formula. As is well know, the Australian suggestion amounted to limiting the scope of the veto to decisions taken under what is now Chapter VII of the Charter. This Australian initiative was put to the vote on 12 June 1945, with the following result: 10 in favour, including Mexico; 20 against; and 15 abstentions. Five countries were absent.

That is what happened in San Francisco. Allow me now to recall other events that might shed some light on certain positions. On 21 March 1945, before the San Francisco Conference, the new Government of France, which was installed once the Allied armies liberated its territory from the German occupation, made extensive comments on the voting procedure in the Security Council, which are to be found in the documents of the Conference. The French Government was of the view that unanimity of the permanent members should only be required for decisions entailing the use of force. In all other situations, the veto rule would not apply. In other words, France agreed that this privilege should be restricted to what is now Chapter VII of the Charter, as Australia would formally propose a few months later. We must admit, however, that this French position was expressed when France was not yet assured of a permanent seat on the future Security Council.

On 17 May 1945, one day after the Conference agreed to amend the Dumbarton Oaks Proposals to include France among the privileged, the French representative stated that, even though his Government had proposed amendments, it would willingly accept the voting formula agreed to at Yalta by the three victorious Powers of the Second World War. He stressed that he would have favoured certain changes if they would not have jeopardized the establishment of the Organization.

The five permanent members of the Security Council have always — always — argued that the veto right is an instrument that ensures unity among the Powers. History and facts demonstrate that precisely the opposite has occurred. The veto, expressly established in several provisions of the Charter, from Article 4 to Article 109, has spread unchecked, like a weed, to the working methods of the Council. Its use or the threat of its use has disrupted even informal consultations, an institution that, by the way, constitutes a veto of transparency.

The veto prevents action. The veto does not foster unity, nor does it promote the search for mutual understanding. More than a responsible act of power, exercising the veto reflects a position too weak to be sustained through reasoning. Blocking the will of others is the only way out when arguments fail to convince. He who uses the veto does not provide alternative solutions; he simply obstructs action. He prefers to impede any movement rather than facing a problem with a view to solving it. Paradoxically, the user of the veto does not impose a particular course of action; he merely stops one that he deems contrary to his interests.

Let us turn to the sad history of the use and abuse of the veto in the context of the admission of new Members. Twenty States suffered the opposition of one permanent member to their application for membership. The Soviet Union — which also has the dubious honour of being the first permanent member to exercise the veto power in the Security Council, which it did on 16 February 1946 — has earned the gold medal in this competition, having used its veto on more than 40 occasions to oppose the admission of new Members to the Organization. On a single day, 13 December 1955, in the course of what can be labelled a historic meeting of the Council, the Soviet Union systematically blocked the admission of 15 countries. The United States, as a distant second, gets the silver medal, having used the veto for this purpose on six occasions. China blocked a single admission, that of Mongolia. Let us give credit where credit is due: France and the United Kingdom have never vetoed a membership application. The most recent veto on such a matter took place on 15 November 1976, when the United States prevented the admission of Viet Nam. We hope and trust that that was the last such veto, since it is difficult, if not impossible, to understand on what grounds the admission of a State that meets the requirements provided for in the Charter can become an issue relevant to international peace and security. Nonetheless, the veto was used capriciously against States that are now important Members of the United Nations.

The permanent members themselves understood that an indiscriminate use of the veto privilege led to unwarranted impasse on certain subjects. In 1947, at the initiative of the United States, the General Assembly established an organ called the Interim Committee to examine issues relevant to the maintenance of peace and the peaceful settlement of disputes between the closing of one session of the General Assembly and the opening of the next. In the course of its deliberations, the Committee examined the question of voting procedure in the Security Council. Many proposals were advanced; among these I will single out the suggestion that the admission of new Members should be considered among the categories of decisions that should be taken

> "by an affirmative vote of seven members of the Security Council, whether or not such categories are regarded as procedural or non-procedural". *(A/AC.18/41)*

This proposal eliminates the possibility of using the veto with regard to the membership application of a State.

One might well think that the author of this proposal was the delegation of Mexico, but no. What I have just read out comes from document A/AC.18/41, which was proposed to the Interim Committee on 10 March 1948 by the delegation of the United States. The admission of new Members was the first item on the list of the 31 types of decisions that Washington considered should not be subjected to the veto. This gives an idea of the importance the United States attached to curtailing abuses that had been inflicted on countries that today distinguish themselves as Members of our Organization.

Two more permanent members, China and the United Kingdom, also submitted proposals to the Interim Committee on the exercise of the veto. China proposed that the five permanent members amplify their 1945 Statement by adding to it a declaration to the effect that they waived

> "the right of invoking the application of Article 27 (3) in all proceedings arising under Chapter VI of the Charter on pacific settlement of disputes". *(A/AC.18/13)*

It should be noted that this Chinese suggestion is surprisingly similar to the Australian initiative that was defeated in San Francisco.

Finally, the United Kingdom proposed, among other things, that the permanent members,

> "mindful of the fact that they are acting on behalf of all the United Nations,"

I repeat —

> "mindful of the fact that they are acting on behalf of all the United Nations, would only exercise the 'veto' where they consider the question of vital importance to the United Nations as a whole, and they would explain on what grounds they consider this condition to be present." *(A/AC.18/17)*

It should be recalled that these proposals were advanced in 1948 — a particularly difficult year in the history of Power rivalry. It was the year of the Berlin blockade, a time when tensions in Europe reached dangerous levels. In spite of those unstable and insecure conditions, three permanent members made suggestions to limit the scope of the veto.

As we have just seen, one of them did not consider the admission of new members to be an issue that warranted the use of the veto. Another went even further to suggest that the veto should not be used in questions pertaining to the peaceful settlement of disputes. The third stated that this privilege should be restricted to exceptional, fully justified cases. If this is what happened in 1948, would it be too far-fetched to expect a more mature attitude on the part of the permanent five now that the cold war has ended?

As will be recalled, in May 1996 the delegation of Mexico presented document CRP.7 for consideration by the Working Group. It contains proposed amendments to seven Articles of the Charter with the view to limiting the use of the veto to the issues for which the Security Council was designed — namely, coercive measures under Chapter VII of the Charter.

We believe that the five permanent members of the Security Council could accept that the General Assembly, the most representative organ of the international community, has finally come of age after more than half a century and is thus able to take certain decisions responsibly without prior authorization of the Council.

We are convinced that the General Assembly can decide whether a State is peace-loving or not and whether it is qualified to fulfil the obligations enshrined in the Charter. We are convinced that the Assembly should be solely responsible for the very serious decision to suspend or expel a Member State from the United Nations. We also are convinced that the Assembly ought to be entrusted with the responsibility of appointing the Secretary-General of our Organization. And we are convinced that the eventual amendments to the Charter should be adopted by two thirds of the members of the Assembly and enter into force when they are ratified by two thirds of the Members of the United Nations.

What will not be possible, and what we will never accept, is that, while giving up nothing — absolutely nothing — some of them expect their immense powers and privileges to simply be extended to other countries. It would be unacceptable that the reform would merely duplicate or highlight the differences. It would be intolerable if the decision were only to multiply centres of power and privilege. How could anyone imagine that the General Assembly at the end of the century, a General Assembly in which 185 sovereign States participate, would accept the establishing of new centres of absolute power?

We would like a careful reflection to start on the role that the five permanent members are called upon to play in the United Nations of the twenty-first century, an Organization that can no longer live in the nostalgia for the world of 1945. Barely two years away from a new century, at the dawn of a new millennium, the reality is that we are in the presence of five absolute monarchs by virtue of the Charter. We would like them to consider the possibility of becoming constitutional monarchs. We feel that before the twenty-first century the permanent members should be willing to share some responsibilities with the rest of us, that is, the General Assembly.

The principle of constitutional monarchy was born in England in 1215, almost 800 years ago, when a group of noblemen forced King John Lackland to accept limits to his power and to sign the historic document known as Magna Carta. In 1787, the United States enshrined in its Constitution a mechanism of control of the executive power by the representatives of the people. In 1789, the abuse of absolute power by the king led to the French revolution, and the principles of liberty, equality, and fraternity took form in the legal statute of the Republic. Finally, in our century, the peoples of Russia and China initiated a struggle against the excesses of the autocratic power of their rulers. It would be truly ironic if the very countries that invented constitutional monarchy and enshrined systems to prevent the abuse of power would be the ones which today oppose the application to international life of the precepts which sustain their own national institutions.

I will now turn to the question of the majority required to adopt the decisions for the reform of the Security Council.

My delegation is firmly convinced that the substantive transformation of the Security Council is a matter of fundamental importance, since it involves changing one of the cornerstones of the constitutional system of the United Nations. Such a task can be successful only if it enjoys both juridical legitimacy and political validity, which require that any decision be taken, if consensus cannot be reached, by at least the widest possible majority. Short of consensus, we feel that the support of at least two thirds of the Members of the United Nations — the figure established in Article 108 of the Charter — is required. We are speaking of 124 States, a number compatible with the extent of the ambitious reform being contemplated. That is why Mexico is co-sponsoring draft resolution A/53/L.16, which we hope and trust the Assembly will adopt at the end of our debate. I must emphasize that the draft resolution refers solely and exclusively to resolutions that have to do with the question of equitable representation in the Security Council and the increase in the number of members and related matters and does not set — of course it does not because it cannot — precedents for other matters.

In conclusion, I would like to state that in our opinion the exercise of the increase in membership of the Security Council has its own rhythm. A solution cannot be rushed. The Movement of Non-Aligned Countries, the Organization of African Unity (OAU), the Organization of the Islamic Conference (OIC) and, at the Latin American level, the Rio Group have stated at the highest level that they are in favour of reaching "general agreement", as specified in the resolution that established the Working Group. We are convinced that the reform of the Security Council must unite us and not divide us. We need to build an effective, efficient, transparent and democratic Security Council that reflects the interests of all regions without discrimination, special status or exclusive privileges. In search of that Security Council, the Working Group can count on the active and esolute participation of Mexico.

**Mr. Baali** (Algeria) (*interpretation from French*): I wish at the outset to convey our appreciation and gratitude to the former Bureau of the Group for its outstanding work over the past year and, in particular, to Ambassadors Breitenstein and Jayanama, whose threw themselves into an exercise that was all the more arduous and fraught with risk because it involved vital stakes and was apt to arouse passions that are, in the final analysis, quite understandable.

I also seize this occasion to reiterate our encouragement to Mr. Kofi Annan for the courageous reform work he is undertaking to make our United Nations more responsive to the challenges of the coming millennium.

Having said this, we are firmly convinced that the overall efforts that have been made, worthy and important though they may be, will remain incomplete if they are not accompanied by far-reaching and comprehensive reforms that set as their final goal the renewal of the various organs and their relationships within the Organization, in particular that between the General Assembly and the Security Council, which continue to labour under the logic and burdens of a world configuration prevalent at the end of the Second World War.

In the framework of the reform and restructuring process under way in our Organization, the question of equitable representation on and increase in the membership of the Security Council is quite obviously the most sensitive and complex, given its significant political dimensions and because it concerns one of the central organs of the United Nations. In view of its role in the area of international peace and security, the Security Council represents an arena in which the manoeuvering and interests of Powers clash, the aspirations of the international community are made manifest and the frustrations of a great many States are expressed.

It is clearly frustrating that the consideration that has been accorded this issue for some years has not given rise to the desired progress nor to any compromise leading to a broad majority, thereby demonstrating the great difficulty of the exercise we are leading.

The in-depth debates that have taken place this year in the Open-ended Working Group on Security Council reform have in fact proved that, while there is a large convergence of views on such issues as the Council's working methods, there remain profound differences on such substantial matters as the size and composition of the Security Council and the right of veto.

Regarding the first group of issues, we should recall that the Security Council has taken initiatives and steps that have undeniably improved its communication and working methods with non-member States. In so doing, the Council has shown its flexibility and receptivity to the constant clamour of non-member States for more information and transparency. These improvements, however, remain limited and fragile because they are discretionary and have yet to be institutionalized. It is therefore important that these efforts continue in order to ensure greater transparency in the work of the Council, whose decisions continue to be taken in informal consultations in the absence of the States concerned and in the most absolute opacity.

As to more sensitive and controversial issues of substance, although it may be difficult to achieve a convergence of views in this regard, an overall agreement seems to have emerged to expand the Council's composition to ensure a broader and more balanced geographical representation. Indeed, everyone agrees that the composition and current structure, which emerged from the state of the world in 1945, have become obsolete and anachronistic and reflect the political and economic realities neither of our era nor, a fortiori, those of the coming millennium.

The world has in fact undergone dramatic upheavals since the creation of our Organization more than 50 years ago. The end of the colonial era allowed the emergence on the international scene of a large number of independent nations that embody a new order in the world based on the principles of equity, justice and solidarity. The end of the cold war also opened new prospects for the possibility of reforming all institutions that seem to have outlived their usefulness. There is thus great hope to see these institutions rid themselves of the trappings of colonization and the cold war and to commit themselves resolutely to the path of renovation and democratization so as to adapt to changes that have taken place and to meet the legitimate aspirations of the international community. Thus far, that hope, whatever claims may be made, has not been fulfilled.

As we have just said, Security Council reform must take into account new international realities and, in particular, the growing weight of the developing countries, which represent the majority of States Members of our Organization and whose concerns and interests are barely considered in the central organ of the United Nations system, although all the questions before that organ concern them first and foremost.

The Security Council, which is supposed to act on behalf of all Member States, must consequently open up further so as to be more representative. In this regard, a Council reformed by the assent of more than two thirds of States Members of the United Nations and expanded in both membership categories, accorded without discrimination the relevant powers and prerogatives, would enjoy new prospects and broader support in its decision-making and treatment of crises. That, after all, is the objective of the reform process, which is to make the Council more representative, more legitimate and more credible, thereby helping to strengthen its efficiency and to increase its authority and that of the United Nations as a whole.

In this vein, the vigour and relevance of the basic principles identified by the Non-Aligned Movement and reaffirmed recently at the Durban summit remain indisputable, since they refer to respect for the principles of the sovereign equality of States and equitable geographical distribution, which are the bedrocks on which our Organization rests. These principles also reflect a legitimate demand by the majority of States for greater democratization and transparency in the working methods and procedures of the Council. They actually represent the most reasonable basis for achieving the desired results in this vast reform endeavour, which must enshrine the universal nature of our Organization.

It is precisely for this reason that my delegation fully endorses the request of the Non-Aligned Movement to increase the Council membership to 26 and that it is pleased to reaffirm its firm commitment to the shared African position, which calls for the allocation of two permanent rotating seats for the African continent, with the same prerogatives as other permanent members. We believe that the principle of rotation, which has always been invoked and respected in regard to the issue of allocating seats to Africa, is the most democratic and, in any case, the most effective means of ensuring to Africa credible representation accepted by all in the Security Council. Indeed, the requests of the Non-Aligned Movement, which are also those of Africa, seem to us to be reasonable and realistic proposals worthy of the international community's support.

In this regard, it seems essential to us that the interests of all States and regions be seriously considered in this unprecedented and historic exercise, which by virtue of its crucial importance for the future of our Organization and international relations should not be held captive to a predetermined time-table. Furthermore, any attempt to impose a premature, hasty decision would run the risk of doing irreparable harm to this very delicate process which is so important to all the States Members of our Organization. The broadest possible consensus among Member States is necessary to ensure genuine reform of the Council. By the broadest possible consensus, we mean consensus among almost all States Members of the United Nations, certainly greater than the two-thirds majority envisaged by some. In this context, I would like to reaffirm the full relevance of Article 108 of the United Nations Charter, whose wording reflects the determination of the General Assembly to ensure that the adoption of any proposal to modify the Council be carried out at least at the level required by that Article.

We are at a critical stage in our initiative of reforming the United Nations and the Security Council, which calls for us to make additional efforts to further develop the progress achieved thus far. In this connection, my delegation hopes that debates on this important issue will continue on the basis of transparency and democracy in a relaxed atmosphere marked by calm and far removed from the logic of sterile confrontation.

As far as my delegation is concerned, it is firmly committed to the reform process under way and wishes to reiterate its full readiness to contribute openly and actively to the work on Security Council reform in order to make it an organ adapted it to its times, able to respond to the legitimate aspirations of Member States and capable of fulfilling transparently and credibly the formidable mandate conferred upon it by the Charter.

**Mr. Lavrov** (Russian Federation) (*interpretation from Russian*): Another year of laborious search for the sought-after formula of Security Council enlargement provides convincing evidence that, as one of the key aspects of the United Nations reform, this matter, which is extremely important to the interests of the majority of States and the future of the Organization itself, cannot have a quick and, moreover, artificially forced solution.

One cannot sacrifice the fate of the entire United Nations for the sake of Security Council enlargement. If a considerable group of distinguished States committed to the United Nations finds itself in the minority and does not support possible amendments to the Charter, there will be a very real danger of a deep political crisis emerging within the United Nations and of undermining the legitimacy of a decision taken. The final goal of the Security Council enlargement is the strengthening of its efficiency, which is organically linked to improving balance in its membership and representativeness. But a split within the United Nations is not a price the world community can afford to pay for the completion of this task.

The Security Council's successful activities in the field of crisis and conflict management and prevention bear out indisputably the main responsibility of that body for maintaining international peace and security, as stipulated by the United Nations Charter. At the present stage of world development this is a decisive factor.

During recent decades and especially during the historically short post-cold-war period, the Security Council members have managed to work out effective procedures for the coordination and adoption of generally acceptable and efficient decisions. The results are evident; the overwhelming majority of decisions the Security Council takes these days are based on consensus. This is not easy to achieve. We must coordinate approaches jointly through hard work and at times overcome considerable differences in Security Council members' positions.

That is precisely why the preservation of a compact and operational Security Council membership, from the viewpoint of the decision-making process, is becoming so urgent. We simply do not have another body for prompt response to numerous global and regional security challenges. Without an efficient and operative Security Council, the international community would not be able to adequately address those challenges, and the conflict-settlement process itself would become an exclusive sphere, in the best case, of regional efforts, and in the worst case, of unilateral actions without a central coordinating role played by the United Nations.

The Russian Federation continues to proceed resolutely from the premise that the number of members in an enlarged Security Council should not exceed 20 or 21. We are convinced that exceeding that quantitative limit would have a negative impact on the efficiency of the Security Council's activities, with all the resulting consequences.

Within that quantitative limit, 20 or 21, we remain open to consideration of proposals on Security Council enlargement in both categories. At the same time, the enlargement of each category should include both industrialized nations of the North and developing countries of the South, while ensuring that they have equal status. Any other decision would not benefit the representativeness of the Council and would fail to win the required support in the United Nations.

The Russian delegation, in principle, has nothing against the idea of States occupying new permanent positions on the basis of rotation. The question concerning specific modalities regulating the use of that formula, provided it has broad support, should be left for the consideration of relevant regional groups.

Russia has more than once given a detailed presentation of its position on the issue of the right of the veto. I would like once again to emphasize the most important point: any curtailment of the status enjoyed by the current permanent members of the Security Council is unacceptable, including ideas of curtailing the institution of the veto in all its forms. That is one of the most vital conditions for a feasible resolution of the issue of enlargement of the Security Council. This issue has a strong resonance in Russian domestic politics, particularly since a decision to enlarge the Council is to be submitted to the State Duma for ratification and will be followed by public and political repercussions throughout the country.

As for the decision on granting the veto right to possible new permanent Security Council members, we proceed from the premise that a decision in that regard should be taken only after the specific membership of the enlarged Council has become clear.

We continue to believe that the idea of further periodic reviews of the Security Council's composition has not been developed thoroughly enough. Its implementation might give the impression that discussion on the composition of the Council is turning into an automatically renewable process, which would not promote the efficiency of Security Council activities or United Nations stability. In 1963, when the previous enlargement of the Security Council took place, nobody could predict when the issue of enlargement of the Council would again emerge. Likewise, today it is rather pointless to try to guess when we will encounter such a need again.

We expect that the General Assembly Working Group will continue specific discussion of the above issues, taking fully into account their political significance for the future of the United Nations. The Working Group will continue to focus its undivided attention on issues of improved methods and procedures in the Security Council's activities. Healthy pragmatism and a phased approach serve as guidelines in that area. There is a need for adequate appraisal of numerous important measures which have already been adopted by the Council and general interest in increasing the output resulting from their implementation and practice. The proposed new steps must be realistically feasible and commensurate with the task of enhanced efficiency of the Security Council.

In general, we do not claim to possess absolute truth, but we have no doubts about the main point: the Working Group must search for ways to reach consensus. Leaving aside often understandable emotions and disappointments with the pace of work being carried out by Working Group, one cannot fail to see the simple and evident fact that the final decision on Security Council enlargement, whatever it might be, must be based on the broadest possible consensus and receive unconditional support on the part of not just two or three members but of all current permanent members of the Security Council.

The Russian Federation will continue to make an energetic and constructive contribution to the search for the kind of real agreement that is necessary for the efficient resolution of the issue of Security Council enlargement, one which can withstand the test of time.

**Mr. Horoi** (Solomon Islands): The Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, has laboured for five years. Many proposals have been presented and discussed, at times with great passion. The growing convergence of views on the working methods and transparency of the Security Council is reflected in practices the Council has implemented recently. Solomon Islands welcomes these steps towards greater transparency. Nevertheless, much remains to be done. While the Open-ended Working Group is in general agreement on the need to expand the Security Council so as to achieve more equitable representation, especially for the developing countries, there are significant differences over critical questions concerning the size and composition of that expansion. Across it all falls the shadow of the five-headed hydra we know as the veto. The Open-ended Working Group, far from decapitating or even caging it, faces the prospect of seeing more heads grow.

Solomon Islands understands the significance of Security Council reform. It is the essential component of United Nations revitalization and requires urgent but thoughtful attention. Time for reflection, however, must take precedence over imposed time-frames. Moreover, the Open-ended Working Group needs the resources to do its work thoroughly. The importance of its undertaking demands no less.

A fundamental issue in any discussion of equitable representation is the future size of the Security Council. On 29 May of this year, the delegation of a permanent member of the Council told the Open-ended Working Group that it based its advocacy of a particular size of an enlarged Council on what the representative called "objective analysis of the activities of the Council in its present composition." The representative of Solomon Islands asked if there were written studies — published articles, monographs, unpublished papers in the archives of the permanent member's foreign ministry — that comprised this objective analysis, and whether they could be made available to the Open-ended Working Group. The representative of the permanent member replied, *inter alia*, that it was not necessary to engage in what he called arithmetic, and if Solomon Islands wished for more information the representative would be pleased to talk privately. After expressing appreciation for the generous offer, the representative of Solomon Islands stated that the Open-ended Working Group was entitled to this objective analysis and the evidence supporting it, but if they were not available, then the techniques of operations research offered a scientific methodology to study how the various proposed future sizes of the Security Council would affect its efficiency. Here the dialogue ended.

The problem, however, is that even if the permanent members would allow such a study, one that would be of assistance in reaching the political and regional objectives of equitable representation, the Open-ended Working Group does not have the resources to undertake or commission research of this kind. Even a request by

Egypt and Solomon Islands for a brief historical and legal study of the basis of the veto strained the available resources, resulting in a less than satisfactory work. Surely this is unacceptable in a matter as important as the reform of the Security Council. The Open-ended Working Group must be provided with the resources it requires to do its work thoroughly and efficiently.

The Open-ended Working Group has conducted its meetings behind closed doors. By now, after five years, the members know one another's views. It is certainly time for the peoples of the world to know them as well. The issues are too urgent for secrecy. As the Open-ended Working Group continues its efforts in 1999, let the doors be open to the representatives of the media and other interested parties. The doors can be closed when necessary. Reportage, editorial commentary and public debate will help move the process of reform forward to a widely acceptable conclusion.

The draft resolution in document A/53/L.16, which Solomon Islands co-sponsors, precludes no substantive proposals for enlarging the Security Council and advances the reform process by clarifying the required decision threshold. Clearly, this draft resolution will help strengthen the credibility of the decisions we finally reach. Solomon Islands remains steadfast in its commitment to a more democratic and transparent Security Council with equitable representation for the countries of the developing world.

**Ms. Eshmambetova** (Kyrgyzstan): The reform of the Security Council is an important and serious subject for the international community because that central body of the United Nations is assigned primary responsibility for the maintenance of international peace and security. It meets almost daily in search of solutions to rising tensions, threatening crises or open conflicts. The question of how to enable the Security Council to discharge its functions in an efficient and democratic manner, to reflect the realities of the present and to voice the concerns of small nations as well as those of the big Powers has now become vital. The representatives of Member States have been searching for the answers to these questions in the Open-Ended Working Group for almost five years. Although some progress has been made in the area related to the methods of work of the Security Council, the Working Group has not yet been able to reach an agreement on the major substantive issues before it concerning the reforms of the Council. There is no accord on how many members should be in that body, whether new members should have the veto right and whether or not the veto should be curtailed or eliminated in the future.

The question naturally arises: why, after such a long period of time, have answers not been found to these questions? My delegation fully realizes that the issues are exceedingly complex and involve vital interests, actual or potential, that the political will is not always manifested and that certain national aspirations are sometimes put forward prematurely. But I believe that the lack of progress in the Open-ended Working Group is primarily due to the fact that there are too many discussions and not enough negotiations. Discussions are free and open-ended, while negotiations impose a discipline. They require flexibility and readiness to compromise. We have heard every view, repeated over and over again. We have received a vast array of documents, covering both national and regional positions. The time has now come for genuine negotiations, for compromise and for action. Compromise cannot derive from maximal positions; it can, on the other hand, be reached on the basis of moderate and realistic proposals. My delegation is of the view that the suggestions contained in the informal paper presented by 10 countries, the so-called Belgian proposal, may constitute a basis for negotiations. It is by no means a final answer. But those are recommendations likely to draw amendments towards a general agreement.

However, a general agreement lacking the support of the permanent members of the Council would constitute a pyrrhic victory. We would then face the problem, that it might not be implemented. Therefore, we believe that it is necessary to initiate and develop a close dialogue on the outstanding questions between the Working Group and members of the Security Council, in particular the five permanent members. One way to accomplish that objective would be to designate a small informal sub-group of the Open-ended Working Group, broadly representative of the developing countries, the medium and small industrial Powers and the regional groups, in order to initiate discussions and negotiations with the five permanent members.

We further believe that the Secretary-General could sit in on the negotiations as a demonstration of his keen interest in, and encouragement of, the process. This small sub-group could be co-chaired by the Presidents of the Assembly and of the Council. The results of the discussions and negotiations with the five permanent members would be subject to approval by the Open-ended Working Group. A direct dialogue with the permanent members in an atmosphere of transparency and mutual trust would enable us to delineate the specific areas of agreement and disagreement and eventually work out common solutions to the obstacles on the path of Security Council reform.

We should seize the opportunity to reform the Council now and not let it slip by. Failure to reform the Council would cast a shadow of doubt on the entire reform process of the United Nations. Let us thus look at the future with optimism. Let us redouble our efforts to reach a general agreement on the reform of the Security Council. Let us discuss, but let us go beyond that: let us negotiate in good faith, with determination and a sense of flexibility and realism from all sides. It is in the interests of all nations to complete our work as soon as possible and to reform the Security Council in such a way as to render that organ more representative, more efficient, more transparent, more accountable and more democratic, to enable it to perform the tasks demanded by the twenty-first century. The Secretary-General has been and still is doing his part. Let us do ours.

My delegation firmly believes that the United Nations cannot be restructured in any meaningful way unless we succeed in reforming the Security Council. That is the indispensable foundation for the revitalization of the Organization. We share the Secretary-General's hope that compromise will be reached sooner rather than later.

**Mr. Mahbubani** (Singapore): We have laboured for five hard years and put in countless hours in Working Group meetings. Yet it is clear that we are no nearer to a solution of the issue before us. Why is this so? The task we have been trying to accomplish could be compared to our trying to move a heavy boulder up a mountain. If we are not making enough progress, it could be due to three possible reasons. First, we could be trying to scale the wrong mountain. Secondly, we could be pushing the wrong boulder. Thirdly, there may be insufficient unity of purpose or agreement among us. As we have made so little progress after five years, it may be useful to reflect on the real reasons for our lack of progress.

First, are we trying to scale the right mountain? What exactly are we trying to accomplish? The stated goal seems to be enlargement. The key operative phrase in our agenda item title is "increase in the membership of". Singapore, too, is in favour of enlargement. We support the formula of the Non-Aligned Movement for enlargement. We have also stated in the past that many countries, including our own, would agree that when general agreement is reached on the expansion of the Security Council, Japan and Germany should be new permanent members.

But surely enlargement cannot be a goal in itself. If enlargement alone could solve our problems, we could keep on enlarging the Security Council until all the countries that aspire to become permanent members were included. Or we could make it an open-ended Security Council, keeping it an open rather than a closed organization. But intuitively we all know that this would be wrong. Therefore, enlargement cannot be the goal; it is a means to an end, not an end in itself. The end clearly has to be effectiveness. We should be scaling the mountain of effectiveness, not the mountain of enlargement.

We do not disagree with the essential argument put forward by the various proponents of enlargement — and there are many different groups — that the composition of the Security Council set in 1945 cannot be eternally valid. It has to change with the times. On this, we have unanimous agreement. But what will the criteria be for this change? That question has never been adequately addressed or answered in our discussions.

The primary responsibility of the Security Council, as stated in Article 24 of the United Nations Charter, is the maintenance of international peace and security. But we also know that the major Powers do not need the Security Council for their security. Neither do the middle Powers. But the small States do — especially the more than half of the United Nations Members with populations of less than 10 million. Curiously, none of the key proponents of enlargement have explained to this key constituency — the small States — how enlargement will enhance their security. Indeed, if enlargement undermines the effectiveness of the Security Council, as it well could if the Council's decision-making becomes unwieldy, it would actually undermine the security of small States.

The one concrete suggestion we have, therefore, for those who wish to move Security Council reform ahead faster is, "Please explain to the small States how your proposals will make the world a safer place for them. Please explain how seven or 10 permanent members or a larger Council of 21 or 24 will enhance the peace and security of small States." That might be a better approach than going to the capitals to apply all sorts of bilateral pressure to support one or another formula.

Small States, being small States, are used to having their arms twisted to support major or middle Powers. This is a natural reality of international relations. But it is one thing to have arms twisted to support a candidate for a post, say, in the Advisory Committee on Administrative and Budgetary Questions, in the Economic and Social Council or in the International Court of Justice. It is another thing to have our arms twisted to support a proposal which may undermine our own peace and security in the long run. This is why there is always a distinction made between bilateral and multilateral interests. Bilaterally, small States want — indeed, need — to preserve good links with major and middle Powers, but multilaterally, they want to see a strong United Nations and a strong and effective Security Council. It is therefore unfair to ask small States to sacrifice their multilateral interests in favour of their bilateral interests, when, indeed, both are equally important. To win over the small States, the proponents of Security Council reform must therefore explain how their proposals will make the Security Council more effective. Once we begin scaling together the mountain of effectiveness, not enlargement, we will get to the top quickly.

Let us now turn to the boulder we are trying to move up the mountain; and the boulder is, of course, the veto. The veto, as many have said this afternoon, is clearly the most powerful instrument we have within the United Nations system. It can block the selection of a Secretary-General, it can block the admission of a new Member, it can block the creation of new vetoes and it can block a mandatory decision by the Security Council. As it has more negative rather than positive power, it is perhaps appropriate to compare a veto to a boulder. Boulders are hard to move up against natural laws of gravity. Similarly, it is difficult to justify vetoes when the United Nations is based on the principle of the sovereign equality of all States.

Curiously, even though it is the single most powerful instrument in the United Nations, it is not mentioned once in the United Nations Charter. Instead, various euphemisms are used to hand over the power of the veto to permanent members. Nevertheless, the veto serves an important function. Inis L. Claude, Jr., in his classic work on the origins of the United Nations, *Swords into Plowshares*, has clearly explained the origins of the veto. Allow me to read a few key extracts from page 73 of that book in order to illuminate some of the points we are discussing this afternoon:

> "The most celebrated of the special privileges granted to the Big Five, the right of veto in the Security Council, was not so much an instrument of great power dictatorship over small states as a factor injected into the relationships of the great powers among themselves …
>
> "At San Francisco the small states accepted the superiority of the mighty as a fact of life. Their first objective was to ensure that all of the great powers would accept their place in the leadership corps of the new organization; in this they were successful, and this fact was perhaps the major basis for the hope that the United Nations would prove more effective than the League. Their second objective was to constitutionalize the power of the international oligarchy; toward this end they achieved the incorporation in the Charter of a surprising array of limitations upon arbitrary behaviour, including the procedural brake upon collective decisions by the great powers which was implicit in the rule of unanimity. Their third objective was to gain assurance that the most powerful members would initiate and support positive collective action within and on behalf of the organization in times of crisis; in this respect there were serious apprehensions of failure, based largely upon the fact that the veto rule foreshadowed the possible paralysis of such undertakings."

The clear message from these extracts is that in 1945 a grand bargain was reached among the major Powers as well as between them and the small States. It was carefully calibrated to take into consideration the interests of both. Strangely, in trying to reform the Security Council 50 years later, we have not even begun discussing what such a new grand bargain, involving major Powers and small States will be like in today's environment. If we do not engage in such a serious discussion, how can we move reforms forward?

One innovative suggestion that has been made is that we could create a new class of Security Council members: permanent members without the veto. By creating this class, we would then have three classes of United Nations Members — first class: the five permanent countries; second class: the permanent members with no veto; third class: the rest of us. We are truly puzzled by this suggestion because those who suggest this believe that the vast majority of United Nations Members will see it in their interest to demote themselves from second-class to third-class member status. To the best of our knowledge, no members of a democratic assembly have voluntarily demoted themselves. If we do so in the United Nations, we will be making real history.

The one key question we have to address, therefore, is how many vetoes should we have in the Security Council? Are we better off with zero, one, five, seven, ten, fifteen? Perhaps the more vetoes, the merrier. However, if more vetoes lead to greater paralysis in Security Council decision-making, will this damage the security interests of small States? One of the great mysteries about this five-year debate we have had on United Nations reform is how little — indeed, often nothing — is said on the number of vetoes we should have. Why this coyness? Why do we have this reluctance to address this key question? Unfortunately, since we are all diplomats, we cannot state the real reasons publicly. However, it is no secret that the public positions espoused by some of the key players in the debate do not reveal their true positions. This is why they choose to remain silent on the question of the veto.

But there is no way we can reform the Security Council without addressing the issue of the veto. This is a boulder we must push up the mountain. We cannot walk around it. In our discussions, therefore, we should have a full and open discussion on the veto. In the world of tomorrow, not of today or of yesterday, what should its role be? Which nations should be empowered to have it? Why them? Should we increase or decrease the powers associated with the veto? Should it be limited to ensuring that the Security Council does not try — in a futile fashion — to enforce its will on a State too powerful to be disciplined by the international community? Or should it also, as some have said today, cover issues such as the selection of the Secretary-General or the judges of international tribunals? Are we not better off leaving the selection of these officials to a democratic voting process in the General Assembly?

A more critical question could be, should we impose checks and balances on the power of the veto? Most democratic constitutions work on the premise that human judgements can be flawed. Hence, the need for checks and balances. For example, each time a veto is exercised in the Security Council, formally or informally — and we all know that the informal use has grown in recent years — should we ask the permanent member to account in the General Assembly for the use of the veto? Indeed, should permanent members be held accountable and have their performances reviewed by the General Assembly? Are our needs, interests and wishes irrelevant? These are hard questions, but if we do not address these and similar hard questions, we will make no real progress on Security Council reform.

Next, let me briefly address the question of whether our lack of progress is caused by an insufficient unity of purpose or insufficient agreement among us. Fortunately, the answer to this question is simple: it is obviously "Yes". Despite five years of discussions, we remain poles apart on many key questions of Security Council reform. Indeed, we could even argue that instead of moving in the direction of consensus, we have become even more polarized since the debate began.

This polarization is dangerous. The only way that Security Council reform can work in the long run is if it enjoys wide and deep support among most of the Members of the United Nations. It would be unwise and impolitic to push through any proposal which can only gain a simple majority in this House. We should heed the wisdom of founding fathers when they said in Article 108 of the Charter that

> "Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly".

That wisdom has also been endorsed by the members of the Non-Aligned Movement, both at the ministerial and the summit levels. Paragraph 65 of the Durban Declaration of the Movement states that

> "In conformity with the New Delhi Declaration regarding the necessity to attain general agreement, the Heads of State or Government reaffirmed their determination that any resolution with Charter amendment implications must be adopted by the two thirds majority of the United Nations membership referred to in Article 108 of the Charter".

A direct comparison of the wording of draft resolution A/53/L.16 with the wording of the Durban Declaration will clearly show that the draft resolution has retained true fidelity to the letter and the spirit of the Non-Aligned Movement's decisions on the procedural aspects of Security Council reform. It would be invidious to argue otherwise.

That is why Singapore has joined in sponsoring draft resolution A/53/L.16. We support it because we believe that all Members of the United Nations can and should support it. It does not take any position on the various substantive issues before us. It is purely a procedural text which tries to capture the wisdom given to us by our founding fathers: that all reform of the United Nations, especially of a vital organ such as the Security Council, should be able to enjoy broad-based support.

This afternoon we have heard many sophisticated legal arguments against draft resolution A/53/L.16. I am not a lawyer; I cannot respond in legal terms. But as a layman I have learned that behind many, though not all, ostensible legal arguments there are essentially political objections. Lawyers can find arguments on both sides. The thrust of the draft resolution is simple and clear. If we are going to reform the United Nations, we will have to do so in conformity with the provisions of Article 108. There is no other door open to Charter reform. If we truly believe that Security Council reform can succeed only with general consensus, then the requirement of 124 votes is indeed a minimal standard to assess whether or not there is general agreement or consensus in this House.

For the small States, a vote in favour of draft resolution A/53/L.16 would also send a clear political signal that any Security Council reform must take into consideration the real multilateral interests of small States in a stronger and more effective Security Council. Any quick fix would benefit only a few middle Powers at the expense of the small States. We should work together for real reform.

Finally, to end on an optimistic note, let me emphasize that real reform is possible. We agree with the advocates of reform that the 1945 snapshot taken of the Security Council cannot be a snapshot that will remain eternally valid. We support reforms. But these reforms must be the result of consensus-building, in which we all work in the same direction. Let us work together as a team to push up the boulder of the veto as we scale the mountain of effectiveness of the Security Council. If we do so, we can succeed. A vote for draft resolution A/53/L.16 would encourage such teamwork.

**Mr. Al-Kidwa** (Palestine) (*interpretation from Arabic*): Item 59 of the agenda, "Question of equitable representation on and increase in the membership of the Security Council and related matters", is an important item that is relevant to the purposes and principles of the United Nations. The reform and expansion of the Security Council should indeed be a priority for Member States, as it constitutes a very important goal in the effort to further improve and democratize the Organization. In spite of this, I wish to take this opportunity to focus specifically on the working methods and work of the Security Council, particularly the issue of the veto.

In this regard, I would first like to recall what was said by President Arafat during the general debate, on 28 September 1998. In his statement, he emphasized that the complete democratization of this global organization required

> "a solution for the veto question in the Security Council, particularly its frequent and excessive use. Transparency and clear rules of procedure must prevail in the Council. At this juncture, I would like to remind the Assembly that since 1973 our question has been subjected to 21 vetoes in the Security Council by one of the permanent members of the Council, the most recent of which occurred in a period of less than two weeks". (*A/53/PV.18*)

The vetoes to which he referred are those cast by the United States on draft resolutions on the question of Palestine and on the situation in the occupied territories, including Jerusalem. In addition to those 21 vetoes, if we also include vetoes on draft resolutions related in general to other aspects of the Arab-Israeli conflict, the total number would be 35 vetoes since 1973: 35 vetoes in 25 years. During that same period, no other permanent member cast any veto on Palestinian or Middle East issues. The United States vetoes in this regard are tantamount to actually preventing the application of international law and the application of relevant provisions of the Charter, including Chapter VII. In short, this has translated into automatic protection for Israel in the face of the collective will of the international community and in spite of Israel's continuous violations of international law and of the Charter.

This unique situation raises a serious question. What is the remedy for this indiscriminate use of the veto power? The membership has partly reacted with the convening of three separate emergency special sessions. But the phenomenon has persisted. The situation also raises another question: At what stage, or after how many vetoes in relation the same conflict, does a permanent member become a party to the conflict within the meaning of paragraph 3 of Article 27 of the Charter? That paragraph states that

> "Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting".

We believe that the membership should address these and other important questions.

The basic concern in this regard remains whether the United Nations, and specifically the Security Council, can continue to carry out its work and responsibilities appropriately, as specified in the Charter, in the light of this kind of unrestricted use of the veto power by one or another permanent member.

*The meeting rose at 6.40 p.m.*